Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Complete Title

(continued)

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

REVISED EDITION

This edition of *Barclays Official California Code of Regulations*, revised on April 1, 1990, has been published under the direction of the California Office of Administrative Law which is solely responsible for its contents. Comments or questions regarding regulations published in this edition should be addressed to the State of California, Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814, (916) 323–6225. Errors reported will be promptly corrected in subsequent supplements.

OFFICIAL PUBLICATION

Courts are required to take judicial notice of contents of regulations published in the *Official California Code of Regulations* (Gov. Code, § 11344.6). *Barclays Official California Code of Regulations*, as revised April 1, 1990, has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose pursuant to title 1, *California Code of Regulations*, section 190.

CODE SUPPLEMENTS

Amendments to the official Code are certified weekly by the Office of Administrative Law for publication by Barclays. These amendments, when certified and published, become part of the *Official California Code of Regulations*, beginning with Register 90, No. 14, dated April 7, 1990, and include all regulations filed with the Secretary of State on or after April 1, 1990. Amendment subscriptions to the entire revised Code, or to parts of it, are available from the publisher. For a descriptive brochure and order form, write Barclays Official California Code of Regulations, P.O. Box 2008, San Francisco, CA 94126 or telephone 800–888–3600.

CODE CITATION

Cite all materials in the *Official California Code of Regulations* by title number and section number. Example: Title 3, *California Code of Regulations*, section 432 (Short form: Cal. Code Regs., tit. 3, § 432).

COPYRIGHT NOTICE

© 2008, STATE OF CALIFORNIA.
This material may not be commercially reproduced or sold in print or electronic forms without written permission of Thomson/West.

TITLE 5. EDUCATION

NOMENCLATURE CROSS–REFERENCE

(NOTE: Effective April 1, 1990, the Office of Administrative Law authorized the renaming of the hierarchical headings used within the Titles of the *California Code of Regulations*. Until the agencies implement these changes in their regulations, use the following Cross–Reference Table for the new organizational headings used in this Title.)

OLD HIERARCHY	REVISED HIERARCHY
Part	Division
Division	Chapter
Chapter	Subchapter
Subchapter	Article
Article	Subarticle
Section	Section

Title 5. Education

TABLE OF CONTENTS

		Page
Division 1.	**California Department of Education**	1
Chapter 1.	General Provisions	1
Subchapter 1.	Citation and Definitions	1
Subchapter 2.	School Sessions	1
Subchapter 3.	Flag of the United States	1
Subchapter 4.	Affirmative Action Employment Programs	1
Subchapter 5.	Public Records	1
Subchapter 6.	Department of Education—Conflict of Interest Code	2
Subchapter 7.	Plans to Alleviate Racial and Ethnic Segregation of Minority Students	2
Chapter 2.	Pupils	3
Subchapter 1.	General Provisions	3
Article 1.	Admission and Exclusion of Pupils	3
Article 2.	Duties of Pupils	4
Article 3.	Privileges of Pupils	4
Subchapter 2.	Records of Pupils	4
Article 1.	Attendance Records and Accounting	4
Article 1.1.	Record of Verification of Absence Due to Illness and Other Causes	5
Article 2.	Emergency Average Daily Attendance	6
Article 3.	Individual Pupil Records	6
Article 4.	Records Identifying and Accounting for Project–Connected Pupils	8
Subchapter 3.	Health and Safety of Pupils	8
Article 1.	Fire Drills	8
Article 2.	Civil Defense Plans and Drills	8
Article 3.	School Safety Patrols (Traffic Safety)	8
Article 4.	Vision Testing	9
Article 4.1.	Administering Medication to Pupils or Otherwise Assisting Pupils in the Administration of Medication During the Regular School Day	10.1
Article 5.	School Environment for Pupils	12
Article 6.	Pupil Fingerprinting Program	13
Article 7.	Safe Schools Assessment Program	13
Subchapter 3.5.	Leroy Greene Assessment of Academic Achievement	16
Subchapter 3.75.	Standardized Testing and Reporting Program	17
Article 1.	General	17
Article 2.	Designated Achievement Test, Standards–Based Achievement Tests, Alternate Assessment, and Designated Primary Language Test	18
Article 2.5.	Golden State Seal Merit Diploma	28
Article 3.	Designated Primary Language Test	29
Subchapter 3.8.	Quality Education Investment Act of 2006	31
Subchapter 4.	Statewide Testing of Pupils and Evaluation Procedures	32
Article 1.	Achievement Testing Programs	32
Article 1.5.	Education Improvement Incentive Program	33

Page

Article 1.6. Immediate Intervention/ Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Definition of Significant Growth and Criteria to Determine Academic Growth for II/USP and HPSGP Schools Without Valid API's 33
Article 1.7. Award Programs Linked to the Academic Performance Index (API) 34
Article 2. Physical Performance Testing Programs 37
Article 2.5. Testing Variations/ Accommodations 38.1
Article 3. Reading Testing Programs in Grades 1, 2, and 3 ..... 38.1
Article 4. Alternative Assessment Pilot Project 38.1
Article 5. Alternative Schools Accountability Model Pre–Post Assessments 39
Subchapter 6. California High School Exit Examination 40
Article 1. General 40
Article 2. High School Exit Examination Administration 41
Article 3. High School Exit Examination Testing Variations/ Accommodations/ Modifications/Waivers 46
Article 4. Cheating 46.2
Article 5. Apportionment 46.2
Subchapter 7. Graduation of Pupils from Grade 12 and Credit Toward Graduation 46.2
Article 1. Measurement of Credit Toward Graduation from Grade 12 ..... 46.2
Article 2. Credit Toward High School Graduation 46.3
Article 3. Diploma of Graduation 47
Chapter 3. Handicapped Children 48
Subchapter 1. Special Education 48
Article 1. General Provisions 48
Article 2. Administration 50
Article 3. Identification, Referral, and Assessment 50

Page

Article 3.1. Individuals with Exceptional Needs 51
Article 4. Instructional Planning and Individualized Education Program 53
Article 5. Implementation (Program Components) 54
Article 6. Nonpublic, Nonsectarian School and Agency Services 61
Article 7. Procedural Safeguards 68
Article 8. State Board of Education Waivers 70.1
Chapter 3.5. Joint Regulations for Handicapped Children 71
Subchapter 1. Interagency Responsibilities for Providing Services to Handicapped Children 71
Chapter 4. Gifted and Talented Pupil Program 71
Subchapter 1. General Provisions 71
Subchapter 2. Eligibility 71
Subchapter 3. Standards Used for Identification of Gifted and Talented Pupils 71
Subchapter 4. Minimum Standards for Programs 72
Article 1. General 72
Article 2. Types of Programs 72
Article 3. Length of Program 73
Subchapter 5. Approval of Programs 73
Subchapter 6. Indirect Cost Expenditures 73
Chapter 5. Consolidated Categorical Aid Programs 73
Subchapter 1. General Provisions 73
Article 1. Scope of the Chapter 73
Article 2. Administrative Procedures 74
Article 3. Program Requirements 74
Article 4. Fiscal Concerns 75
Article 5. Complaint Procedures 76
Subchapter 2. School Improvement Programs 76
Article 1. Definitions 76
Article 2. District Master Plan—Additional Elements 76
Article 3. School Improvement Plan 77
Article 4. Program Review 77

		Page
Article 5.	Selection and Expansion	77
Article 6.	Fiscal Concerns	77
Subchapter 3.	Local Staff Development Programs	78
Article 1.	Local Staff Development Programs	78
Article 2.	Funding	78
Subchapter 4.	Economic Impact Aid	78
Article 1.	Purpose	78
Article 2.	Allocation of Funds	79
Article 3.	General Accounting Requirements	79
Article 4.	Administration and Evaluation Allocations	79
Subchapter 5.	Bilingual Education	79
Article 1.	Purpose	79
Article 2.	Definitions	79
Article 3.	Program Requirements	79
Article 4.	Special Funds to Assist Districts	80
Subchapter 6.	State Compensatory Education Programs	81
Article 1.	Program Purpose	81
Article 2.	Program Requirements	81
Article 3.	Designating Eligible and Participating School	81
Article 4.	Designating Students to Be Participants	82
Article 5.	Level of Funding	82
Article 6.	Allocation Alternatives	82
Article 7.	Evaluation	84
Article 8.	District and School Advisory Councils	84
Article 9.	Comparability	84
Article 10.	California Preschool Program	85
Subchapter 7.	Miscellaneous Programs	85
Article 1.	Schoolwide Programs	85
Article 2.	School Security	86
Subchapter 8.	Bilingual Education Programs	86
Subchapter 9.	Bilingual–Bicultural Education Programs	86
Chapter 5.1.	Uniform Complaint Procedures	86
Subchapter 1.	Complaint Procedures	86
Article 1.	Definitions	86
Article 2.	Purpose and Scope	87
Article 3.	Local Educational Agency Compliance	88
Article 4.	Local Complaint Procedures	88
Article 4.5.	Appeal of Local Educational Agency Decision	89
Article 5.	State Complaint Procedures	90
Article 6.	Direct State Intervention	90
Article 7.	State Investigation Procedures	91
Article 8.	Enforcement—State Procedures to Effect Compliance	92
Article 9.	Williams Complaints	92
Chapter 5.2.	Improvement of Elementary and Secondary Education	92.1
Chapter 5.3.	Nondiscrimination and Educational Equity	92.2
Subchapter 1.	Nondiscrimination in Elementary and Secondary Educational Programs Receiving State or Federal Financial Assistance	92.2
Article 1.	General Provisions	92.2
Article 2.	Definitions	92.2
Article 2.5.	Sexual Harassment	93
Article 3.	Nondiscrimination in Intramural, Interscholastic, or Club Athletics	93
Article 3.5.	Nondiscrimination in Extracurricular and Club Activities	94
Article 4.	Counseling	94
Article 5.	Course Access	95
Article 6.	Marital and Parental Status	95
Article 7.	Local Agency Compliance	95
Article 8.	Complaint Process Safeguards	96
Chapter 6.	Certified Personnel	96
Subchapter 1.	General Provisions	96
Article 1.	Code of Ethics of the Teaching Profession	96
Article 2.	Employment and Dismissal	96
Subchapter 2.	Duties of Certificated and Noncertificated Personnel	98

Page

Article 1. Duties of All Certificated Personnel ... 98
Article 2. Duties of Principals ... 98
Article 3. Duties of Teachers ... 98
Article 4. Duties of District Superintendents ... 98
Article 5. Duties of Temporary Athletic Team Coaches ... 98
Subchapter 3. Rights of Certificated Personnel ... 100
Subchapter 4. Grants of Financial Assistance to Certificated Personnel ... 101
Article 1. Scholarship Grants for Teachers of Reading ... 101
Article 2. Loans to Teachers of Educationally Handicapped Minors for Specialized Preparation During the Summer (Section 56060 Loans) ... 101
Subchapter 5. Instructional Time and Staff Development Reform Program ... 102
Subchapter 6. Positions Requiring Certification Qualifications ... 102
Subchapter 7. No Child Left Behind Teacher Requirements ... 103
Article 1. General ... 103
Article 2. Elementary Level Teachers ... 103
Article 3. Middle and High School Level Teachers ... 105
Article 4. State Certification Not Meeting NCLB Teacher Requirements ... 105
Article 5. One–Time Compliance ... 106
Article 6. Teachers from Out–of–State ... 106
Chapter 7. Credentials and Institutions Preparing Candidates for Credentials ... 106
Subchapter 17. Teacher Preparation and Licensing Law of 1970 ... 106
Subchapter 18. All Prior Credentials and Life Diplomas of Any Kind Whatsoever ... 106
Article 1. General Provisions ... 106
Article 2. Fees ... 106

Page

Article 3. Application for Credentials and Life Diplomas ... 106
Article 4. Health Standards Required of Applicants for Credentials Authorizing School Service in California ... 106
Article 5. Renewal of Credentials ... 106.1
Article 6. Life Diplomas Based on "Prior Regular Credentials" ... 106.1
Article 7. Issuance and Denial of Credentials and Life Diplomas ... 106.1
Article 8. Administrative Hearing upon Denial of an Application ... 106.1
Article 9. Suspension and Revocation of Certification Documents ... 106.1
Subchapter 18.1. Credentials Authorized by the Licensing of Certificated Personnel Law of 1961 ... 106.1
Subchapter 18.2. Restricted Credentials ... 106.1
Subchapter 18.3. Internship Credentials Issued under the Teacher Education Internship Act of 1967, As Amended ... 106.1
Subchapter 18.4. Provisional and Miscellaneous Credentials ... 106.1
Subchapter 19. Validation of Service Without a Credential ... 106.1
Subchapter 20. Accreditation of Teacher Education Institutions for Teacher Certification Purposes ... 106.1
Chapter 9. Instructional Materials ... 106.1
Subchapter 1. Elementary Instructional Materials ... 106.1
Article 1. General Provisions ... 106.1
Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials — Procedures ... 107
Article 2.1. Acquisition of Adopted Instructional Materials ... 112
Article 2.3. Instructional Materials Funding ... 113
Article 3. Request to Purchase Nonadopted Core Reading Program Instructional Materials ... 114

Page

Article 4. Additions to Lists of Adopted Instructional Materials in Reading/ Language Arts and Mathematics ... 115

Chapter 10. Courses of Study ... 116

Subchapter 1. High School Courses of Study ... 116

Article 1. Automobile Driver Education ... 116

Article 2. Automobile Driver Training ... 116

Article 3. Contracting for Automobile Driver Training ... 118

Article 3.1. Physical Education Program ... 118

Article 4. Work Experience Education ... 119

Article 5. Community Classrooms ... 119

Article 6. Cooperative Vocational Education ... 121

Chapter 10.2. Adult Education ... 124

Subchapter 1. Adult Schools and Classes for Adults (General) ... 124

Article 1. General Provisions ... 124

Article 2. Approval of Adult Schools and Classes ... 124

Article 3. Standards for Adult Schools ... 124

Article 4. Standards for Particular Classes for Adults ... 125

Article 5. Standards of Administration ... 125

Subchapter 2. Classes for Adults in County Jails, Industrial Farms, and County or Joint County Road Camps ... 125

Subchapter 3. Adult Education Innovation and Alternative Instructional Delivery ... 125

Article 1. Administration ... 125

Chapter 11. Special Programs ... 126

Subchapter 1. Continuation Education ... 126

Article 1. Standards for Programs ... 126

Article 2. Exemption from Maintaining Continuation Education Classes ... 127

Subchapter 2. Special Elementary School Reading Instruction Programs ... 127

Article 1. General Provisions ... 127

Page

Article 2. Nomination and Designation of Specialist Teacher in Reading ... 127

Article 3. Minimum Standards of Course Content for Basic Reading Program and Criteria for Approval of Application ... 128

Article 4. Allowances to Districts for Employment of Specialist Teachers and Salaries of Librarians ... 128

Subchapter 3. Mentor Teacher Program ... 129

Subchapter 4. English Language Learner Education ... 130

Subchapter 5. English Language Centers ... 133

Subchapter 6. Summer Schools (Other Than Classes for Adults, Adult Schools, and Evening High Schools) ... 133

Subchapter 7. Regional Occupational Centers and Regional Occupational Programs ... 134

Subchapter 7.5. California English Language Development Test 135

Article 1. General ... 135

Article 2. Administration ... 136

Article 3. Test Variations/ Accommodations/ Modifications ... 138.1

Article 4. Apportionment ... 138.2

Subchapter 8. High School Proficiency Certificates ... 138.2

Article 1. Certificate of Proficiency ... 138.2

Article 2. High School Equivalency Certificate (G.E.D.)—for Persons 18 Years of Age or Older ... 139

Subchapter 9. Vocational Education Contracts ... 140

Article 1. General Provisions ... 140

Article 2. Contracting Standards ... 140

Article 3. Contract Provisions ... 140

Subchapter 10. Bilingual Education ... 141

Article 1. Bilingual Teacher Corps Program ... 141

Subchapter 11. Regional Adult and Vocational Education Councils ... 141

Article 1. General Provisions ... 141

Page

Article 2. Formation of Regional Council Boundaries 142
Article 3. Criteria for Council Boundary Determination 142
Article 4. Organization of Councils 142
Article 5. Council Functions 142
Article 6. Appeals from Decision of the Council 142
Subchapter 12. Alternative Schools 143
Subchapter 13. Independent Study 143
Article 1. General Provisions 143
Article 2. Standards for Independent Study 144
Article 3. Provisions Unique to Charter Schools 144
Subchapter 14. School Resource Centers 145
Article 1. School Resource Centers 145
Subchapter 15. Comprehensive Health Education 145
Subchapter 16. Pregnant Minor Program 146
Subchapter 17. Grant Program for Restructuring in Public Education 146
Article 1. Planning Grant Application 146
Article 2. Demonstration Grant Applications 146
Subchapter 18. Grant Program for Healthy Start 148
Article 1. Grants 148
Subchapter 19. Charter Schools 150
Article 1. Charter School Regular Average Daily Attendance 150
Article 1.2. Closure Procedures 150
Article 1.5. Classroom– and Nonclassroom–Based Instruction in Charter Schools 151
Article 2. General Provisions 154.1
Article 3. Facilities for Charter Schools. 160
Subchapter 20. Education Technology Staff Development Program 162.3
Subchapter 20.5. Enhancing Education Through Technology Grant Program 162.3
Subchapter 21. Mathematics and Reading Professional Development Program 165

Page

Subchapter 21.5. School Community Violence Prevention Program ..... 168.2(a)
Subchapter 22. Reading First Program 168.3
Subchapter 22.5. Reading First Achievement Index/Definition of Significant Progress 168.3
Subchapter 23. Defining Persistently Dangerous Public Elementary and Secondary Schools 168.4
Subchapter 24. American Indian Education Centers 168.5
Article 1. General Provisions 168.5
Chapter 12. Compensatory Education 168.8
Subchapter 1. General Provisions 168.8
Article 1. General Provisions 168.8
Subchapter 2. Migrant Education 168.8
Article 1. Program Requirements 168.8
Article 2. Program Eligibility 168.8
Article 3. Complaint Procedures 168.8
Article 4. Fiscal Allocation and Service Delivery Structure 168.9
Subchapter 4. Preschool Educational Programs 168.9
Subchapter 5. Special Teacher Employment Programs (K–6) 168.9
Article 1. General Provisions 168.9
Article 3. Teacher Aides 169
Subchapter 6. Demonstration Programs in Intensive Instruction (Reading and Mathematics) for Low Achieving Pupils in Grade 7, 8 or 9 169
Article 1. General Provisions 169
Article 2. Applications 170
Article 3. Personnel in Program 170
Article 4. Evaluation of Program 170
Subchapter 7. New Careers in Education Programs 170
Article 1. General Provisions 170
Subchapter 9. Professional Development and Program Improvement Programs 172
Article 1. General Provisions 172
Subchapter 11. School Housing Aid for Compensatory Education 175
Article 1. General Provisions 175
Subchapter 12. School Housing Aid for Districts Impacted by Seasonal Agricultural Employment 175

		Page
Subchapter 13.	Supplemental Services	175
Chapter 13.	School Facilities and Equipment	176.1
Subchapter 1.	School Housing	176.1
Article 1.	General Standards	176.1
Article 2.	School Sites	176.1
Article 3.	Attendance Areas and Practices	178
Article 4.	Standards, Planning and Approval of School Facilities	178
Subchapter 2.	Use of School Buses and School Pupil Activity Buses	183
Article 1.	General Provisions	183
Subchapter 4.	School Buses	184
Chapter 14.	School Finance	184
Subchapter 1.	Nonresident Tuition	184
Subchapter 2.	Budgeting, Accounting, and Reporting	184.1
Article 1.	Transfer of Funds from the School District General Fund to the Child Development Fund and the Development Center for Handicapped Pupils Fund	184.1
Article 2.	Standardized Account Code Structure	184.1
Article 3.	Annual Financial Statements	184.2
Subchapter 3.	Decreases in Average Daily Attendance for Apportionment Purposes Due to Executive Ratios Pupils to Classroom Teachers	184.2
Article 1.	General Provisions	184.2
Article 2.	Waiver of Class Size Requirements for Kindergarten	184.3
Article 3.	School District Reports	184.3
Subchapter 3.5.	Class Size Reduction Program Kindergarten – Grade 3	184.3
Subchapter 3.75.	Program to Reduce Class Size in Two Courses in Grade 9	184.4
Subchapter 4.	Reduction in State Support Due to Excessive Administrative Employee to Teacher Ratio	184.4(a)
Article 1.	General Provisions	184.4(a)
Article 2.	Waiver of Full–Time Equivalent Administrative Employees	184.5
Article 3.	School District Reports	184.5
Subchapter 4.1.	Reimbursement for Costs of Education for Institutional and Family Home Children	184.5
Subchapter 5.	Allowances for Pupil Transportation	184.6
Article 1.	Definitions	184.6
Article 2.	Classification of School Bus Fleets for Transportation Allowance Purposes	184.7
Article 3.	Records and Available Information (All Districts)	184.7
Article 4.	Additional Records and Available Information (Districts Maintaining Own Transportation System)	184.8
Article 5.	Reports	184.8
Article 6.	Review and Approval of Expenditures	184.9
Article 7.	Replacement of School Bus and Replacement Allowances	184.9
Article 8.	Newly Formed Unified School Districts	184.10
Subchapter 6.	Revenue Limits for School Districts	184.11
Article 1.	General Provisions	184.11
Article 2.	Recomputation of 1978–79 School District Revenue Limits	184.11
Article 3.	Calculation of School District Revenue Limits for 1979–80	184.14
Subchapter 7.	Revenue Limits for County Superintendents of Schools	184.19
Article 1.	General Provisions	184.19
Article 2.	Computation of Revenue Limits for 1979–80	184.20
Subchapter 8.	Criteria and Standards for School District Budgets and Interim Reports	184.25
Article 1.	Budget Review	184.25
Article 2.	Interim Report Review	184.27

Page

Subchapter 9. Criteria and Standards for County Office of Education Budgets and Interim Reports ... 184.30
Article 1. Budget Review ... 184.30
Article 2. Interim Report Review ... 184.32
Chapter 15. Child Nutrition Programs ... 184.32(d)
Subchapter 1. Food Sales, Food Service, and Nutrition Education ... 184.32(d)
Article 1. Food Sales by Student Organizations ... 184.32(d)
Article 2. Mandatory Meals for Needy Pupils ... 184.33
Article 3. Nutrition Education ... 184.33
Article 4. School Lunch and Breakfast Programs ... 184.34
Article 5. California Fresh Start Pilot Program ... 184.35
Chapter 16. Governing Boards of School Districts ... 184.36(a)
Subchapter 1. Contracts with Federal Agencies ... 184.36(a)
Article 1. Approval of Contracts ... 184.36(a)
Subchapter 2. Destruction of Records of School Districts ... 184.36(a)
Article 1. General Provisions ... 184.36(a)
Article 2. Period of Retention ... 184.36(b)
Article 3. Steps in Destruction ... 184.37
Subchapter 2.5. Historical Inventory of Equipment ... 184.37
Subchapter 3. School Libraries ... 184.37
Article 1. School Library Services ... 184.37
Chapter 17. County Superintendents ... 184.38
Subchapter 1. Duties of the County Superintendent ... 184.38
Article 1. Services to School Districts and the California Department of Education ... 184.38
Article 2. Reports to the State Department of Education ... 184.38
Subchapter 2. Fiscal Responsibilities of the County Superintendent ... 184.38
Article 1. Report of Miscellaneous Funds Pursuant to Education Code Section 17606 ... 184.38
Article 2. Allowances for Emergency Purposes ... 184.39

Page

Article 3. Reimbursement of Travel Expense in Connection with Cooperative County Publication Projects ... 184.40
Article 4. Purchasing and Replacing of Capital Outlay Items ... 184.40
Article 5. Purchase, Replacement, Operation, and Maintenance of Automotive Equipment ... 184.40
Article 6. Coordination of the Educational Program by the County Superintendent ... 184.41
Article 7. County School Service Fund Budget Procedures ... 184.42
Article 8. County Tax for the Identification and Education of Physically Handicapped Minors by a County Superintendent ... 184.43
Article 9. Petty Theft Fine Fund ... 184.43
Subchapter 3. Destruction of Records of a County Superintendent ... 184.43
Article 1. General Provisions ... 184.43
Article 2. Authorization and Procedure ... 184.44
Subchapter 4. Travel Expenses for County Superintendents of Schools and Designated Staff Members ... 184.44
Chapter 18. California State Special Schools for the Deaf or Blind, or State Diagnostic Centers ... 184.45
Subchapter 1. Employees ... 184.45
Article 1. Pay Plan for the Exempt Teaching Staff of the State Special Schools and Diagnostic Centers ... 184.45
Article 2. Work Days and Vacation Credit ... 184.47
Article 3. Tenure Rights of Exempt Staff ... 184.48
Article 4. Separation of Employees for Lack of Funds or Lack of Work ... 184.48(a)
Article 5. Termination of a Supervisory or Managerial Appointment ... 184.48(a)
Subchapter 2. State Special Schools Admission Process ... 184.48(b)
Article 1. California School for the Deaf ... 184.48(b)

		Page
Article 2.	California School for the Blind	184.48(c)
Chapter 19.	Child Care and Development Programs	184.49
Subchapter 1.	Award of Funding for Child Care and Development Programs	184.49
Article 1.	General Provisions	184.49
Article 2.	Selection of Contractors	184.49
Article 3.	State Child Care Facilities Fund	184.50
Article 4.	Contingency Funds for Alternative Payment Programs	184.51
Article 5.	Continued Funding	184.51
Subchapter 2.	General Requirements	184.51
Article 1.	General Provisions	184.51
Article 2.	Subcontracts	184.54
Article 3.	Costs	184.55
Article 4.	Determination of Reimbursement	184.56
Article 5.	Accounting and Reporting Requirements	184.57
Subchapter 2.5.	Utilization of the Regional Market Rate Ceiling	184.60
Article 1.	General Provisions	184.60
Subchapter 3.	General Child Care Programs	184.63
Article 1.	General Provisions	184.63
Article 2.	Family Data File	184.64
Article 3.	Enrollment	184.68(c)
Article 4.	Admission Policies and Procedures	184.68(d)
Article 5.	Parent Fees	184.69
Article 6.	Due Process Requirements	184.70
Subchapter 4.	State Preschool Program	184.71
Article 1.	Scope of Chapter	184.71
Article 2.	Enrollment Priorities	184.71
Article 3.	Other Requirements	184.72
Subchapter 5.	School–Age Parenting and Infant Development Programs	184.72
Article 1.	General Provisions	184.72
Article 2.	Fiscal Provisions	184.73
Article 3.	Educational Provisions	184.73
Article 4.	Personnel Provisions	184.73
Article 5.	Structural and Safety Provisions	184.73
Article 6.	Health Provisions	184.73
Article 7.	Nutrition Provisions	184.73
Article 8.	Social Services Provisions	184.73
Subchapter 6.	Campus Child Care Program	184.73
Subchapter 7.	Federal Based Migrant Program	184.74
Article 1.	Scope of Chapter	184.74
Article 2.	Eligibility and Enrollment Priorities	184.74
Subchapter 7.5.	State Based Migrant Program	184.74
Article 1.	Scope of Chapter	184.74
Article 2.	Eligibility and Enrollment Priorities	184.74
Subchapter 8.	School Age Community Child Care Services Program (Latch Key)	184.74
Article 1.	Scope of Chapter	184.74
Article 2.	General Provisions	184.75
Subchapter 9.	Severely Handicapped Program	184.75
Subchapter 10.	Alternative Payment Program	184.76
Article 1.	Scope of Subchapter	184.76
Article 1.5.	General Provisions	184.76
Article 2.	Policies and Procedures	184.76
Article 2.5.	Receipt of Notification of Temporary Suspension Order, License Revocation, or Probation. Notification of Parents and Facilities	184.76(a)
Article 3.	Services and Payments	184.76(a)
Article 4.	Records	184.76(b)
Subchapter 11.	Resource and Referral Program	184.76(b)
Article 1.	Scope of Subchapter	184.76(b)
Article 2.	Resource and Referral Service	184.76(b)
Subchapter 12.	Program Quality	184.77
Article 1.	Scope of Chapter	184.77
Article 2.	General Program Requirements	184.77
Subchapter 13.	Staffing Ratios	184.79
Subchapter 14.	Waiver of Qualifications for Site Supervisor	184.79
Subchapter 15.	Appeal and Dispute Resolution Procedures	184.79

Page

Chapter 19.5. CalWORKs and Child Care and Development Programs 184.81
Subchapter 1. Definitions 184.81
Article 1. General Provisions 184.81
Subchapter 2. CalWORKs Stage 2 Child Care Program 184.82
Article 1. General Provisions 184.82
Article 2. Requirements and Procedures for Receiving CalWORKs Stage 2 Services 184.82
Article 3. Requirements for Family Data File 184.85
Article 4. Provider Payments and Parent Fees 184.85
Article 5. Program Policies 184.86
Article 6. Data Reporting 184.86
Article 7. Program Quality 184.86
Article 8. Due Process 184.86
Subchapter 3. CalWORKs Stage 3 Child Care Program 184.87
Article 1. General Provisions 184.87
Article 2. Requirements and Procedures for Receiving CalWORKs Stage 3 Services 184.87
Article 3. Requirements for Family Data File 184.89
Article 4. Provider Payments and Parent Fees 184.90
Article 5. Program Policies 184.90
Article 6. Data Reporting 184.90
Article 7. Program Quality 184.90
Article 8. Due Process 184.90

Chapter 20. State Board of Education Procedures 184.91
Subchapter 1. General Provisions 184.91
Article 1. Public Hearing 184.91
Subchapter 2. Procedure for Appearance of an Employee Under Government Code Section 1028.1 ..... 184.91
Subchapter 3. Procedures Relating to Instructional Materials 184.92

Page

Article 1. Procedures for the Public Display of Textbooks, Public Hearing Given the Curriculum Development and Supplemental Materials Commission, and Receipt of Comments from the Public 184.92
Article 2. Procedures for Submission and Opening of Bids for Elementary Instructional Materials 184.92
Subchapter 4. Procedures Relating to Hearings on Proposals and Petitions for the Reorganization of School Districts 184.93
Subchapter 5. State Board of Education—Conflict of Interest Code 184.94

Chapter 21. Private Postsecondary Education Instructions 184.95
Subchapter 1. General Provisions 184.95
Subchapter 2. Applications and Affidavits by Institutions 184.97
Subchapter 3. Standards for Evaluating the Institution 184.98
Article 1. Institutions Approved Under Education Code Section 94310.2 ..... 184.98
Article 2. Institutions Authorized Under Education Code Section 94310.3 ..... 184.98
Article 3. Institutions Approved Under Education Code Section 94311(d) 184.98
Subchapter 4. Agents 184.99
Subchapter 5. Enforcement 184.100
Article 6. Student Tuition Recovery Fund 184.100

Chapter 22. Veterans Education 184.102
Subchapter 1. Approval of Nonaccredited Resident Courses in Educational Institutions 184.102
Subchapter 2. Approval of Correspondence Courses 184.102
Subchapter 3. Approval of Accredited Resident Courses in Educational Institutions 184.102

Page

Chapter 23. Miscellaneous Provisions 184.103
Subchapter 1. Instructional Television 184.103
Article 1. Classroom Instructional Television 184.103
Subchapter 2. California Maritime Academy 184.103
Subchapter 3. Surplus Property 184.103
Article 1. Direct Shipment of Food Commodities 184.103
Subchapter 4. Performance Based Accountability System 184.104
Chapter 24. Library Services Provided by the State 184.106

Division 1.5. Education Audit Appeals Panel 185
Chapter 1. General Provisions 185
Chapter 2. Summary Review; Appeals 185
Chapter 3. Audits of California K–12 Local Education Agencies 186
Article 1. General Provisions 186
Article 2. Audit Reports 187
Article 3. State Compliance Procedures: Local Education Agencies Other Than Charter Schools 190.1
Article 3.1. State Compliance Procedures: School Districts and Charter Schools 190.15
Article 4. State Compliance Procedures: Charter Schools 190.19

Division 2. California State Library 191
Chapter 1. Library Services Provided by the State 191
Subchapter 1. State Library 191
Article 1. General Provisions 191
Article 2. Interlibrary Loans 191
Article 3. Service to Individuals 191
Subchapter 2. California Library Services 191
Article 1. General Provisions 191
Article 2. California Library Services Board Procedures 192.1
Article 3. General Provisions for Systems 192.2
Article 4. System Reference 192.3
Article 5. Consolidations and Affiliations ..... 192.4(a)
Article 6. Direct Loans ..... 192.4(b)
Article 7. Communication and Delivery ..... 192.4(b)
Article 8. Interlibrary Loans ..... 192.4(c)
Subchapter 2. Library of California ..... 192.4(c)
Article 1. General Provisions ..... 192.4(c)
Article 2. Definitions ..... 192.4(d)
Article 3. Library of California Board ..... 192.4(d)
Article 4. Eligible Libraries ..... 192.4(e)
Article 5. Regional Library Networks ..... 192.4(f)
Article 6. Access Services ..... 192.4(g)
Article 7. Statewide Services ..... 192.4(i)
Subchapter 3. Library Services for the Blind ..... 192.4(l)
Chapter 2. California Library Construction and Renovation Board ..... 192.4(l)
Article 1. General Provisions ..... 192.4(l)
Article 2. California Library Construction and Renovation Program ..... 192.4(l)
Chapter 3. California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 ..... 192.57
Article 1. General Provisions 192.57
Article 2. California Library Construction and Renovation Program 192.58

Division 3. Teachers' Retirement System 193
Chapter 1. Teachers' Retirement System 193
Article 1. Definitions 193
Article 2. Rules of Procedure 193
Article 3. General Provisions of Administration 193
Article 4. Tax Sheltered Annuity Contributions 195
Article 5. Retired Members Employed as Substitute Teachers 196
Article 6. Nomination of Beneficiaries 196
Article 7. Election of Options 196
Article 8. Rates 197
Article 10. Dependents 197
Article 11. State Teachers' Retirement System—Conflict of Interest Code 197

Page

Article 12. Unused Excess Sick Leave 199
Article 13. Election of Members to the Teachers' Retirement Board 199
Article 14. Investment Relationships and Campaign Contributions 200.2

Division 4. California Student Aid Commission 201

Chapter 1. California Student Aid Commission 201
Article 1. Definition of Certain Terms 201
Article 2. Applicant Qualifications 202
Article 3. Use of Cal Grants 204
Article 4. State Guaranteed Loans 204
Article 5. State Student Incentive Grant Program 204
Article 6. Conflict of Interest Code Student Aid Commission 205
Article 7. Statement of Purpose and Criteria for Approval as Processor for the Student Aid Application for California for Student Aid Commission Programs 206
Article 8. Approval or Disapproval for Processing 206
Article 9. The California Guaranteed Student Loan Program 206.1
Article 10. The California Loans to Assist Students Program 208
Article 11. Imposition of Civil Penalties, and Limitation, Suspension and Termination of Eligibility, Under the California Guaranteed Student Loan Program (CGSLP) and the California Loans to Assist Students (CLAS) Program 208.1
Article 12. The Paul Douglas Teacher Scholarship Program 212
Article 13. The California Teacher Shortage Loan Assumption Program 215
Article 14. Assumption Program of Loans for Education 216
Article 14.5. National Guard Assumption Program of Loans for Education 218
Article 15. Process for Selecting an Organization to Provide Financial Need Analysis and Related Services and to Act as the Sole Processor of the SAAC 218.3
Article 16. Federal Family Education Loan Program 218.4
Article 17. State Nursing Assumption Program of Loans for Education for Nursing Faculty (SNAPLE–NF) 218.4
Article 18. State Nursing Assumption Program of Loans for Education for Nurses in State Facilities (SNAPLE–NSF) 218.8

Division 4.5. ScholarShare Investment Board 219

Chapter 1. Golden State Scholarshare Trust Program 219
Chapter 2. Governor's Scholarship Programs 220.5

Division 5. Board of Trustees of the California State Universities 221

Chapter 1. California State University 221
Subchapter 1. Definitions 221
Subchapter 2. Educational Program 221
Article 1. General Function 221
Article 2. Curricula 222
Article 3. Special Sessions 223
Article 4. Extension Courses 223
Article 5. General Requirements for Graduation 224
Article 6. Undergraduate Degrees 227
Article 7. Graduate Degrees 229
Article 8. Integrated Teacher Preparation Programs 230
Article 9. Lower–Division Transfer Patterns by Major 231
Subchapter 3. Admission Requirements 231
Article 1. Construction and Definitions 231
Article 2. Establishment of Enrollment 232
Article 3. Matriculation 233
Article 4. Admission As First–Time Freshman 233
Article 5. Admission As an Undergraduate Transfer 235

		Page
Article 6.	Admission of Undergraduate Applicants Not Otherwise Eligible	238
Article 7.	Admission to Bachelor of Music and Bachelor of Fine Arts Degree Programs	238.1
Article 8.	Admission of Post–Baccalaureate and Graduate Students	238.1
Article 9.	Requirements for Admission to Teacher Basic Credential Programs and Student Teaching and Recommendation for Teaching Credential	239
Article 10.	Admission for Employee Training and Career Development	240
Article 11.	Physical Examinations	240
Article 12.	Supplemental Information	241
Article 13.	Admission Experiments	241
Subchapter 4.	Student Affairs	241
Article 1.	Scholastic Probation and Disqualification	241
Article 2.	Student Conduct	241
Article 3.	Student Body Organizations	243
Article 4.	Nondiscrimination in Student Organizations	245
Article 5.	Student Orientation	245
Subchapter 5.	Administration	245
Article 1.	Community Relations Responsibilities	245
Article 2.	Facilities and Services	246
Article 3.	Fees	246
Article 4.	Nonresident Tuition	248
Article 5.	Housing	251
Article 6.	Meals	252.3
Article 7.	Parking	252.3
Article 8.	Gifts, Donations, and Bequests to California State University	253
Article 9.	Use of California State University Buildings and Grounds	253
Article 10.	Disposition of Lost Property	255
Article 11.	Means of Collection	255
Article 12.	State College Special Projects Fund	255
Article 13.	Emergency Meeting	255
Article 14.	Privacy and Personal Information Management	255
Article 15.	Alumni Associations	256
Subchapter 6.	Auxiliary Organizations	260
Article 1.	General	260
Article 2.	Functions of Auxiliary Organizations and Requirement for Written Agreements	262
Article 3.	Organization and Operation	263
Article 4.	Student Body Organization Funds	264
Article 5.	Systemwide Auxiliary Organizations	264
Subchapter 7.	Employees	265
Article 1.	Definitions	265
Article 2.	Staff Organization and Appointment of Employees	266
Article 2.2.	Management Personnel Plan	266.2
Article 2.5.	Academic Year Employees at Campuses on Quarter System Year–Round Operations	266.4
Article 2.7.	Twelve–Month Librarians Electing to Work on a Ten–Month Basis	267
Article 3.	Compensation and Pay Plan	267
Article 3.5.	Tax Deferred Retirement Benefit	271
Article 4.	Vacations	272
Article 4.1.	Holidays	274
Article 4.2.	Catastrophic Leave Donation Program	274
Article 5.	Leaves of Absence with Pay	275
Article 5.1.	Special Leaves for Research or Creative Activity	277
Article 5.9.	Military Leave	277
Article 6.	Leaves of Absence Other Than Leaves of Absence with Pay	277
Article 6.3.	Reduced Worktime Program for All Employees Other Than Academic Teaching Employees	278
Article 6.4.	Reduced Worktime Program for Academic Teaching Employees	279
Article 6.5.	Preretirement Reduction in Time Base	281
Article 6.7.	Faculty Early Retirement Program	282

Page

Article 7. Separation of Employees from Service for Lack of Funds or Lack of Work ... 283
Article 8. Termination of Employment of Probationary Employees ... 283
Article 8.1. Employees Performance Appraisal Requirements ... 283
Article 9. Change in Employment Status of Disabled Employees ... 283
Article 9.5. Industrial Disability Leave Benefits and Nonindustrial Disability Insurance for Disabled Employees ... 285
Article 10. Reassignment of Administrative Employees ... 285
Article 11. Disciplinary Actions ... 285
Article 12. Reinstatement ... 286
Article 13. Tenure Rights of Academic Employees ... 287
Article 14. Tenure Rights of Administrative Employees ... 290
Article 14.1. Permanent Status of Nonacademic Employees ... 291
Article 15. Tenure Rights of Employees Serving in Academic–Administrative Assignments ... 291
Article 15.1. Rules of Procedure for Appearance of an Employee Under Government Code Section 1028.1 ... 292
Article 15.5. Certification of Nonacademic and Administrative Employees to Continue Employment Beyond Mandatory Retirement Age ... 292
Article 15.6. Certification of Tenured Faculty to Continue Employment Beyond Age 70 ... 293
Article 16. Authority to Meet and Confer with Employee Organizations ... 293
Article 16.1. Public Notice of Initial Proposals of Exclusive Representatives and California State University ... 296
Article 16.2. Bona Fide Associations ... 297
Article 17. Rules of Procedure for Grievance Proceedings for Academic Personnel ... 297

Page

Article 18. Rules of Procedure for Grievance Proceedings for Nonacademic and Administrative Personnel ... 297
Article 19. Amendment ... 297
Article 20. California State University—Conflict of Interest Code ... 297
Article 21. Effect of Memorandum of Understanding on Subchapter ... 298
Subchapter 8. Environmental Quality ... 298
Article 1. General ... 298
Article 2. Guidelines ... 299
Article 3. Authority to Adopt New Rules, Orders and Procedures ... 299
Subchapter 9. Contracts and Purchases ... 299
Article 1. Disabled Veteran Business Enterprise Participation Goal for California State University Contracts ... 299
Article 2. Disabled Veteran Business Enterprise Participation Goal for Professional Bond Services ... 300

Division 6. California Community Colleges ... 301

Chapter 1. Board of Governors ... 301
Subchapter 1. Board of Governors' Procedures ... 301
Subchapter 2. Board of Governors of the California Community Colleges—Conflict of Interest Code ... 301
Subchapter 3. Committees ... 302
Subchapter 4. Coordinating Council of Higher Education ... 302
Subchapter 5. Chancellor ... 302
Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code ... 302
Chapter 2. Community College Standards ... 302
Subchapter 1. Minimum Conditions ... 302
Subchapter 2. Investigation and Enforcement of Minimum Conditions ... 308
Subchapter 3. Faculty ... 309
Subchapter 4. Standards of Scholarship ... 309
Subchapter 5. Facilities ... 309

		Page
Subchapter 6.	Counseling Services	309
Subchapter 7.	Degrees and Certificates	309
Subchapter 8.	Degrees and Certificates	309
Subchapter 9.	Minimum Class Size	309
Subchapter 10.	New Colleges and Educational Centers	309
Subchapter 11.	Open Courses	309
Subchapter 15.	Minimum Standards for Colleges Operating Pursuant to Education Code 78007 and Not Receiving or Utilizing State or Local Funds	309
Article 1.	General Provisions	309
Article 2.	Instructional Programs	310
Article 3.	Faculty	310
Article 4.	Standards of Scholarship	310
Article 5.	Facilities	310
Article 6.	Student Services	310
Article 7.	Finances	310
Article 8.	Degrees and Certificates	310
Article 9.	District Responsibilities	310
Article 10.	Compliance	311
Chapter 3.	General Provisions	311
Chapter 4.	Employees	311
Subchapter 1.	Equal Employment Opportunity Programs	311
Article 1.	General	311
Article 2.	Other Specific Responsibilities of Community College Districts	321
Article 3.	Faculty and Staff Diversity Fund	323
Subchapter 2.	Certificated Positions	324.1
Article 1.	Special Non–Credentialed Employees	324.1
Article 1.5.	Sick Leave Transfer	324.1
Article 1.6.	Evaluation of Academic Employees	324.2
Article 2.	Academic Senates	324.2
Subchapter 3.	Full–Time and Part–Time Faculty	326
Article 1.	Scope and Definitions	326
Article 2.	Proportions of Full–Time and Part–Time Faculty, Computation and Reports	327
Article 3.	Enforcement	328
Subchapter 4.	Minimum Qualifications	328
Article 1.	Scope and Definitions	328
Article 2.	Qualifications and Equivalencies	330
Subchapter 5.	Faculty Internship Programs	333
Chapter 5.	Students	334
Subchapter 1.	Student Residence Classification	334
Subchapter 2.	Parking for Students with Disabilities	338
Subchapter 2.5.	Medical Insurance for Hazardous Activities	338
Subchapter 3.	Attendance	338
Subchapter 4.	Student Equity	339
Subchapter 4.5.	Electronic Submissions	339
Subchapter 5.	Commercial Solicitation on Campus	340
Subchapter 6.	Student Records	340
Subchapter 7.	Health Services	341
Subchapter 8.	Student Organization	343
Article 1.	Student Representation Fee	343
Chapter 6.	Curriculum and Instruction	344
Subchapter 1.	Programs, Courses and Classes	344
Article 1.	Program, Course and Class Classification and Standards	344
Article 2.	Grading and Academic Record Symbols	348
Article 3.	Probation and Dismissal	350
Article 4.	Course Repetition and Academic Renewal	352
Article 5.	Alternative Methods for Awarding Credit	354
Article 6.	The Associate Degree	355
Article 7.	Credit Certificates	357
Article 8.	Educational Master Plans	357
Subchapter 2.	Approval by the Chancellor	357
Article 1.	Approval of Credit Educational Programs	357
Article 2.	Approval of Noncredit Courses and Programs	358
Article 3.	Approval of Other Courses	362
Article 4.	Approval of Colleges and Educational Centers	362

Page

Article 5. Approval of Educational Master Plans ... 362.2
Subchapter 3. Alternative Instructional Methodologies ... 362.2
Article 1. Distance Education ... 362.2
Article 2. Excursions and Field Trips ... 363
Article 3. Independent Study ... 364
Article 4. Cooperative Work Experience Education ... 365
Subchapter 4. Programs and Classes Outside of District ... 368
Subchapter 5. Educational Master Plans [Repealed] ... 371
Subchapter 5.5. Excursions and Field Trips [Repealed] ... 372
Subchapter 6. Matriculation Programs ... 372
Article 1. Scope and Definitions ... 372
Article 2. Planning and Administration ... 373
Article 3. Matriculation Services ... 374
Article 4. Appeals, Waivers, Student Rights and Responsibilities ... 376
Subchapter 7. Contract Education ... 377
Article 1. Contracts with Providers of Career Technical Education ... 377
Article 2. Contracting Standards ... 378
Article 3. Contract Provisions ... 379
Article 4. Regional Adult and Vocational Education Councils [Repealed] ... 379
Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes ... 380
Subchapter 8. Academic Calendar ... 380
Article 1. 175–Day Minimum Academic Calendar ... 380
Article 2. Flexible Calendar Operations ... 380
Subchapter 9. Libraries ... 380.4
Subchapter 11. New Colleges and Education Centers [Repealed] ... 380.5
Subchapter 12. Libraries [Repealed] ... 380.6
Chapter 7. Special Programs ... 380.6
Subchapter 1. Disabled Student Programs and Services ... 380.6
Article 1. General Provisions and Definitions ... 380.6
Article 2. DSPS Services ... 380.7
Article 3. Reports, Plans and Program Requirements ... 380.9
Article 4. Funding and Accountability ... 382
Subchapter 2. Extended Opportunity Programs and Services ... 383
Subchapter 2.5. Extended Opportunity Programs and Services ... 384
Article 1. General Provisions and Definitions ... 384
Article 2. Student Eligibility and Responsibility ... 385
Article 3. Program Standards ... 386
Article 4. EOPS Financial Aid Standards ... 388
Article 5. Staffing Standards ... 388
Article 6. Plans and Priorities ... 389
Article 7. Funding and Expenditures ... 390
Subchapter 3. Educational Programs and Services for Students with Learning Disabilities ... 392
Subchapter 4. The Community College Real Estate Education Endowment Fund ... 392
Subchapter 5. Fund for the Improvement of Instruction ... 394
Article 1. General ... 394
Article 2. Grants ... 394
Article 3. Loans ... 394.1
Subchapter 6. Underrepresented Students Special Project Fund ... 394.2
Chapter 8. Construction ... 394.2
Subchapter 1. Community College Construction Act ... 394.2
Subchapter 1.5. Energy and Resource Conservation ... 394.6
Subchapter 2. Environmental Quality ... 394.8
Subchapter 3. District Funded Construction Projects ... 394.9
Subchapter 4. Deferred Maintenance ... 394.9
Chapter 9. Fiscal Support ... 394.10
Subchapter 1. Attendance ... 394.10
Article 1. General Provisions ... 394.10
Article 2. Attendance Reporting Procedures ... 394.11
Article 3. Tabulations ... 394.14
Article 4. Support Documentation ... 394.15

Page

Article 5. Attendance Accounting Standards ... 394.16
Subchapter 2. Limitations on State Aid ... 394.18
Article 1. Open Courses ... 394.18
Article 2. 175–Day Rule ... 394.20
Article 3. (Reserved) ... 394.20
Article 4. (Reserved) ... 394.20
Article 5. Other Limitations ... 394.20
Subchapter 3. Interstate Attendance ... 394.25
Subchapter 4. Budgets and Reports ... 394.26
Subchapter 6. Student Fees ... 394.29
Article 1. Enrollment Fee and Differential Enrollment Fee ... 394.29
Article 2. Student Center Fee ... 394.31
Article 3. Transportation Services Fees ... 394.32
Subchapter 7. Student Financial Aid ... 394.32
Subchapter 8. Community College General Apportionment Funding ... 394.34
Article 1. General Provisions ... 394.34
Article 2. Credit Instruction ... 394.35
Article 3. Credit Instructional Services ... 394.35
Article 4. Credit Student Services ... 394.36
Article 5. Maintenance and Operations ... 394.37
Article 6. Institutional Support ... 394.38
Article 7. Noncredit Activities ... 394.38
Article 8. Allocation Process ... 394.38
Article 9. Reporting Procedures ... 394.40(b)
Chapter 10. Community College Administration ... 394.40(b)
Subchapter 1. Warrants ... 394.40(b)
Subchapter 2. Community College Budget and Accounting Manual ... 394.40(c)
Subchapter 2.5. Retention and Destruction of Records ... 394.41
Article 1. General Provisions ... 394.41
Article 2. Period of Retention ... 394.41
Article 3. Procedures for Destruction ... 394.42
Subchapter 3. Audits and Reviews ... 394.43
Subchapter 4. Administration of Education Code 84362 ... 394.45
Subchapter 4.5. Auxiliary Organizations ... 394.47
Article 1. Scope and Definitions ... 394.47
Article 2. District Responsibilities ... 394.48
Article 3. Board of Governors and Chancellor's Office Responsibilities ... 394.50
Subchapter 5. Nondiscrimination in Programs Receiving State Financial Assistance Through the Chancellor or Board of Governors of the California Community Colleges ... 394.50
Article 1. General ... 394.50
Article 2. Definitions ... 394.51
Article 3. District Compliance and Enforcement ... 394.52
Article 4. Chancellor's Procedure to Effect Compliance ... 394.55
Subchapter 6. Waiver of Part–Time Instructor Limit ... 394.56
Subchapter 7. Instructional and Other Materials ... 394.56
Subchapter 7.5. Student Financial Obligations ... 394.57
Subchapter 8. District Reorganization ... 394.57
Subchapter 9. Nondiscrimination in Public Works Contracting in the California Community Colleges ... 394.57

Division 7. Board of Governors of the California Maritime Academy ... 395

Chapter 1. California Maritime Academy ... 395
Subchapter 1. Employees ... 395
Article 1. Organization ... 395
Article 2. Appointment, Promotion and Tenure of Non–Civil Service Employees ... 395
Article 3. Tenure and Notice ... 396
Article 4. Grievances ... 396
Article 5. Discipline ... 396
Article 6. Resignation ... 396
Article 7. The California Maritime Academy—Conflict of Interest Code ... 396
Subchapter 2. Administration ... 396
Article 1. Means of Collection ... 396
Article 2. Emergency Meeting ... 397
Article 3. Emergency Meeting ... 397
Subchapter 3. Student Fees ... 397
Article 1. Establishment and Collection of Fees ... 397

Page

Article 2. Determination of Residency 397
Article 3. Refund of Fees 397

Division 7.5. Private Postsecondary Education 401

Chapter 1. Council Administration 401
Article 1. General Provisions 401

Chapter 2. Degree–Granting Private Postsecondary Educational Institutions 401
Article 1. General Provisions 401
Article 2. Application for Approval to Operate and Offer Educational Programs 402.1
Article 3. Processing of Applications for Approval ..... 402.4(c)
Article 3.5. Applications from Institutions Operating on December 31, 1990 ..... 402.4(d)
Article 4. Visiting Committees ..... 402.4(d)(1)
Article 5. Emerging Fields of Study and Innovative Methods of Instruction ..... 402.4(f)
Article 6. Change in the Location of Instruction ..... 402.4(g)
Article 7. Addition of a Location ..... 402.4(h)
Article 8. Change of Mission, Purposes, or Objectives or Primary Method of Instruction ..... 402.4(i)
Article 9. Change of Institutional Name ..... 402.4(j)
Article 10. Requirements for Branch and Satellite Locations ..... 402.4(k)
Article 11. Institutional Operating Standards ..... 402.4(k)
Article 12. Admissions and Academic Achievement Standards ..... 402.4(n)
Article 13. Contract, Refund, and Catalog Requirements ..... 402.4(o)
Article 14. Special Provisions Regarding Correspondence Instruction ..... 402.4(p)
Article 15. Undergraduate Degree Programs ..... 402.4(p)
Article 16. Graduate Degrees ..... 402.4(q)
Article 17. Prior Experiential Learning ..... 402.4(s)
Article 18. Reports ..... 402.4(s)
Article 19. Maintenance and Production of Records ..... 402.4(t)

Chapter 3. Regionally Accredited Out–of–State Degree–Granting Private Postsecondary Educational Institutions ..... 402.4(u)
Article 1. General Provisions ..... 402.4(u)
Article 2. Application for Approval to Operate and Offer Educational Programs ..... 402.4(v)(1)
Article 3. Visiting Committees ..... 402.4(v)(5)
Article 4. Change and Addition of Location and Change of Name ..... 402.4(v)(6)
Article 5. Change of Mission, Purpose and Objectives ..... 402.4(v)(8)
Article 6. Requirements for Branch and Satellite Locations ..... 402.4(v)(8)
Article 7. Institutional Operational Standards ..... 402.4(v)(9)
Article 8. Admissions and Academic Achievement Standards ..... 402.4(v)(11)
Article 9. Contract, Refund, and Catalog Requirements ..... 402.4(v)(11)
Article 10. Special Provisions Regarding Correspondence Instruction ..... 402.4(v)(12)
Article 11. Undergraduate Degree Programs ..... 402.4(v)(12)
Article 12. Graduate Programs ..... 402.4(v)(13)
Article 13. Prior Experiential Learning ..... 402.4(v)(14)
Article 14. Reports ..... 402.4(v)(14)
Article 15. Maintenance and Production of Records ..... 402.4(v)(15)

Chapter 4. Vocational and Non–Degree Granting Schools ..... 402.4(v)(16)
Article 1. General Provisions ..... 402.4(v)(16)
Article 2. Application for Approval to Operate ..... 402.4(v)(16)
Article 3. Processing of Applications for Approval 402.11
Article 4. Change of Institutional Name 402.11
Article 5. Change in the Location of Instruction 402.12
Article 6. Certificate of Authorization for Service 402.13
Article 7. Institutional Operating Standards 402.14

Page

Article 8. General Provisions Regarding Institutional Operations 402.15
Article 9. Additional Requirements for Institutions Subject to Article 7 ..... 402.17
Article 10. Reports 402.18
Article 11. Maintenance and Production of Records 402.19

Chapter 5. Provisions Applicable to All Approved Postsecondary Institutions 402.20
Article 1. Fees and Payment Schedule ... 402.20
Article 2. Change of Ownership or Control 402.21
Article 3. Probation 402.22
Article 4. General Provisions 402.23
Article 5. Provisions Governing Temporary Approvals to Operate 402.25

Chapter 6. Agents and Agencies 402.25
Article 1. Agents 402.25
Article 2. Agencies 402.26

Chapter 7. Student Tuition Recovery Fund 402.26
Article 1. General Provisions 402.26
Article 2. Assessment 402.27
Article 3. Payments from the Fund 402.28
Article 4. Special Assessments 402.29

Chapter 8. Registered Educational Services and Programs 402.29
Article 1. Definitions 402.29
Article 2. Purpose and Scope of Chapter ..... 402.30(a)
Article 3. Initial and Re–Registration, Annual Fees, and Report Requirements ..... 402.30(a)
Article 4. Notification of Changes or Amendments to Registration 402.31
Article 5. General Provisions 402.31
Article 6. Intensive English Language Program Definition and Requirements 402.32
Article 7. Short–Term Career Training Definition and Requirements 402.32

Page

Article 8. Short–Term Seminar Training Definition and Requirements 402.33
Article 9. License Examination Preparation Definition and Requirements 402.34
Article 10. Continuing Education Definition and Requirements 402.34
Article 12. Tuition Refunds 402.35
Article 13. Grounds for Denial, Complaint Investigations, Revocation, and Hearing Procedures and Remedies 402.35

Division 8. Commission on Teacher Credentialing 403

Chapter 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970 403
Article 1. General Provisions and Definitions 403
Article 2. Credential Types, Authorizations, and Requirements 404.6
Article 3. Examinations and Subject Matter Programs 428
Article 4. Approval of Programs of Professional Preparation 434.1
Article 5. Permits Authorizing Service in Child Care and Development Programs 434.1
Article 6. Positions Requiring Administrative Credentials or Supervision Credentials 440
Article 7. Code of Ethics of the Teaching Profession 440

Chapter 2. Rules of Procedure for the Commission 441
Article 1. General Provisions 441
Article 2. Rules of Procedure 441
Article 3. Conflict of Interest Code 441
Article 4. Information Practices 443

Chapter 2.5. Approved Programs 443
Article 1. Professional Preparation Programs 443
Article 2. Off–Campus Programs 443

Chapter 3. Committee of Credentials 443
Article 1. General Provisions 443

Page

Article 2. Duties and Functions of the Committee of Credentials; Guidelines 445
Article 3. Rules of Conduct for Professional Educators 447
Chapter 4. Procedure for Application for, Adding Authorization to, and Renewal of Credentials 450
Article 1. General Provisions 450
Article 2. Direct Application to the Commission 452
Article 3. Recommendation of the Applicant by the Institution 455
Article 4. Fees for Credentials 456
Article 6. Denial of Application for Credentials 456.2
Article 7. Requirements and Procedures for Renewing Professional Clear Multiple and Single Subject Teaching Credentials, Service or Specialist Credentials, and Designated Subjects Adult and Vocational Education Teaching Credentials 460

Page

Chapter 5. Approved Programs 460.5
Article 1. Procedure for Validation 460.5
Article 2. Professional Preparation Programs 461
Article 3. Other Program Approval Procedures 466
Subarticle 1. Faculty Participation in the Public Schools 466
Subarticle 2. Guidelines for Staff Development Programs for Teachers of English Learners 467

Division 9. Secretary for Education 477
Chapter 1. Education Technology Grant Program 477

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 5. Board of Trustees of the California State Universities

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Division 5. Board of Trustees of the California State Universities

TABLE OF CONTENTS

Page

Chapter 1. California State University 221
Subchapter 1. Definitions 221
§ 40000. Campus.
Subchapter 2. Educational Program 221
Article 1. General Function 221
§ 40050. Functions.
§ 40050.1. Function: Instruction Leading to the Doctor of Education Degree.
§ 40051. California Polytechnic State University, San Luis Obispo and California Polytechnic State University, Pomona, Special Emphases.
§ 40055. California Maritime Academy.
§ 40056. California Maritime Academy: Board of Visitors.
§ 40057. California Maritime Academy: Special Requirements.
§ 40059. California Maritime Academy: Student Conduct.
§ 40060. California Maritime Academy: Special Provisions and Exceptions from Other California State University Regulations.
Article 2. Curricula 222
§ 40100. Authorization to Establish Curricula.
§ 40100.1. Cooperative Curricula.
§ 40100.2. The Consortium of the California State University and Colleges.
§ 40100.3. Authorization to Establish Teacher Education Programs.
§ 40101. Authorization to Recommend for Teaching Credentials.
§ 40102. Procedure for Establishing Curricula.
§ 40103. Definition of Units.
§ 40104. Definition of Grade Points.
§ 40104.1. Grading Designations.
§ 40105. Definition of "Appropriate Campus Authority."
Article 3. Special Sessions 223
§ 40200. Authorization.
§ 40201. Credit Allowance.
§ 40202. Special Session Enrollment in State Supported Regular Curriculum Offerings.
Article 4. Extension Courses 223
§ 40300. Establishment and Maintenance.
§ 40301. Extension Enrollment in Regular Curriculum Offerings.
Article 5. General Requirements for Graduation 224
§ 40400. Procedure for Granting Diplomas, Certificates and Degrees.
§ 40401. Election of Regulations.
§ 40402. Required Scholarship.
§ 40402.1. Entry-Level Learning Skills.
§ 40403. Required Residence.

Page

§ 40404. Requirements in United States History, Constitution and American Ideals.
§ 40405. General Education—Breadth Objectives.
§ 40405.1. California State University General Education—Breadth Requirements.
§ 40405.2. Intersegmental General Education Transfer Curriculum.
§ 40405.3. Lower Division General Education Reciprocity Between the California State University and the University of California.
§ 40405.4. Procedures for Implementing Programs to Meet General Education Requirements.
§ 40406. Foreign Language.
§ 40407. Extension Credit.
§ 40407.1. Special Session Credit.
§ 40408. Credit Based on Examination.
§ 40409. Community College Credit.
§ 40410. Other Requirements.
Article 6. Undergraduate Degrees 227
§ 40500. Bachelor of Arts Degree: Required Curriculum.
§ 40501. Bachelor of Science Degree: Required Curriculum.
§ 40502. Bachelor of Education Degree.
§ 40503. Bachelor of Vocational Education Degree.
§ 40504. The Master's Degree.
§ 40505. Bachelor of Architecture Degree: Required Curriculum.
§ 40506. Bachelor of Music Degree and Bachelor of Fine Arts Degree: Required Curriculum.
§ 40507. Bachelor of Landscape Architecture: Required Curriculum.
§ 40508. The Bachelor's Degree: Total Units.
Article 7. Graduate Degrees 229
§ 40510. The Master's Degree.
§ 40511. The Doctor of Education Degree.
§ 40512. The Doctor of Education Degree: Requirements.
Article 8. Integrated Teacher Preparation Programs 230
§ 40520. Definition.
§ 40521. Total Unit Requirements.
§ 40522. Guidelines for Establishment of Campus Requirements.
§ 40523. Articulation with California Community Colleges.
Article 9. Lower-Division Transfer Patterns by Major 231
§ 40530. Definitions.
§ 40531. Development of Systemwide Lower-Division Transfer Patterns by Major.
§ 40532. Development of Campus-Specific Lower-Division Transfer Patterns by Major.

Page

Subchapter 3. Admission Requirements 231
Article 1. Construction and Definitions 231
§ 40600. Tenses, Gender and Number.
§ 40601. Particular Terms.
Article 2. Establishment of Enrollment 232
§ 40650. Establishment of Enrollment Quotas.
§ 40651. Administrative Procedures.
Article 3. Matriculation 233
§ 40700. Matriculation.
§ 40701. Summer Early Entrant.
Article 4. Admission As First–Time Freshman 233
§ 40750. Scope of Article.
§ 40751. Alternative Bases for Admission.
§ 40752. Entrance Examination Required.
§ 40752.1. English Language Examination.
§ 40753. Applicants Who Are California Residents or Graduates of a California High School.
§ 40754. Applicants Who Are Neither California Residents nor Graduates of a California High School.
§ 40755. Graduates of Secondary Schools, etc., in a Foreign Country.
§ 40756. Adult Students.
§ 40756.1. Veterans.
§ 40757. Admission to Curricula of Less Than Four Years in Length.
§ 40758. High School Students.
§ 40759. Early Admission.
§ 40760. Fee Waivers for California Residents Sixty Years of Age or Older.
Article 5. Admission As an Undergraduate Transfer 235
§ 40800. Scope of Article.
§ 40801. Alternative Bases for Admission.
§ 40802. Entrance Examinations.
§ 40802.1. English Language Examination.
§ 40803. Applicants Who Are California Residents and Who Have Completed the Prescribed Number of Units of College Credit.
§ 40803.1. Applicants Who Are Not California Residents and Who Have Completed the Prescribed Number of Units of College Credit.
§ 40804. Applicants Who Were Eligible for Admission As First–Time Freshmen and Who Have Completed Fewer Than the Prescribed Number of Units of College Credit.
§ 40804.1. Applicants Who Were Ineligible for Admission As First–Time Freshmen for Failure to Meet Course Requirements and Who Have Completed Fewer Than the Prescribed Number of Units of College Credit.
§ 40805. Applicants with Particular Majors.
§ 40805.1. Veterans.
§ 40806. Other Applicants.
§ 40807. Adult Students.
§ 40808. Applicants Who Are Enrolled at Other Campuses.
Article 6. Admission of Undergraduate Applicants Not Otherwise Eligible 238
§ 40900. General Exceptions.
§ 40901. Exceptions for Applicants to Special Compensatory Programs.
Article 7. Admission to Bachelor of Music and Bachelor of Fine Arts Degree Programs 238.1
§ 40905. Admission to Bachelor of Music and Bachelor of Fine Arts Degree Programs.
Article 8. Admission of Post–Baccalaureate and Graduate Students 238.1
§ 41000. Admission to Post–Baccalaureate Standing: Unclassified.
§ 41001. Special Action.
§ 41002. Admission to Post–Baccalaureate Standing: Classified.
§ 41010. Admission to Graduate Standing: Conditionally Classified.
§ 41011. Admission to Graduate Standing: Classified.
§ 41020. Admission to Doctor of Education Programs.
§ 41030. Applicants Who Are Enrolled at Other Campuses.
§ 41040. English Language Examination.
§ 41050. Campus Admission Requirements.
Article 9. Requirements for Admission to Teacher Basic Credential Programs and Student Teaching and Recommendation for Teaching Credential 239
§ 41100. Admission to Teacher Education Basic Credential Program.
§ 41101. Continuation in Teacher Education Basic Credential Program.
§ 41102. Recommendation for Teaching Credential.
§ 41103. Office of the Chancellor.
§ 41104. Office of the Chancellor.
Article 10. Admission for Employee Training and Career Development 240
§ 41110. Admission for Employee Training and Career Development.
Article 11. Physical Examinations 240
§ 41200. Health Screening Programs.
§ 41200.1. Exemption for Enrollment at Other Campuses.
Article 12. Supplemental Information 241
§ 41201. Supplemental Information.
Article 13. Admission Experiments 241
§ 41250. Admission Experiments.
Subchapter 4. Student Affairs 241
Article 1. Scholastic Probation and Disqualification 241
§ 41300. Academic Probation and Disqualification.
§ 41300.1. Administrative Academic Disqualification.
Article 2. Student Conduct 241
§ 41301. Standards for Student Conduct.
§ 41302. Disposition of Fees: Campus Emergency; Interim Suspension.
§ 41303. Conduct by Applicants for Admission.
§ 41304. Student Disciplinary Procedures for the California State University.

Page

Article 3. Student Body Organizations 243
§ 41400. Scope of Article.
§ 41401. Calling of Election.
§ 41402. Notice.
§ 41403. Polling Places.
§ 41404. Conduct.
§ 41405. Supervision.
§ 41406. Ballot.
§ 41407. Results.
§ 41408. Fixing of Fees.
§ 41409. Collection of Fees.
§ 41409.5. Time of Collection of Fees.
§ 41410. Referendum.
§ 41411. Resubmission of Proposals.

Article 4. Nondiscrimination in Student Organizations 245
§ 41500. Withholding of Recognition.
§ 41501. Definition of Recognition.
§ 41502. Time Limitation for Conforming.
§ 41503. Filing Requisites.
§ 41504. Penalties.
§ 41505. Athletics and Other Intercollegiate Activities.

Article 5. Student Orientation 245
§ 41550. Educational and Preventive Information Regarding Sexual Violence.

Subchapter 5. Administration 245

Article 1. Community Relations Responsibilities 245
§ 41600. Definition of Community Relations Responsibilities of Campus Presidents.
§ 41601. Definition of Community Relations Responsibilities of the Chancellor.

Article 2. Facilities and Services 246
§ 41700. Support for Established Programs.
§ 41701. Student Personnel Services.
§ 41702. Library.
§ 41703. Laboratory School.
§ 41704. Audio–Visual Aids.
§ 41705. Television.
§ 41706. Pupil Transportation.

Article 3. Fees 246
§ 41800. Payment of Fees.
§ 41800.1. Application Fees.
§ 41800.2. Instructionally Related Activities Fee.
§ 41801. Exemption from Fees Under Education Code Section 32320.
§ 41802. Refund of Fees Including Nonresident Tuition.
§ 41802.1. Refund of Fees and Charges for First–Time Students Receiving Title IV Financial Aid.
§ 41803. Refund of Parking Fees.
§ 41804. Waiver or Reduction of Fees for Employee Training and Career Development.

Article 4. Nonresident Tuition 248
§ 41900. Amount of Tuition.
§ 41901. Nonresident Tuition, Amount and Time of Payment.
§ 41901.5. Installment Payment of Nonresident Tuition.
§ 41902. Definition of "Continuous Attendance."
§ 41903. Residence Determination Date.
§ 41904. Residence Requirement.
§ 41905. Evidence of Residence.
§ 41906. Evidence Required for Application of Statutory Exceptions to Non–Resident Tuition Classification.
§ 41906.5. Nonresident Tuition Exemption for California High School Students.
§ 41907. Residence Classification Procedures.
§ 41908. Appeals.
§ 41909. Exceptions from One–Year Waiting Period.
§ 41910. Employee Exception.
§ 41911. Agreements of Other Institutions.
§ 41912. Tuition Determinations.
§ 41913. Refund of Nonresident Tuition.
§ 41914. Change of Program.
§ 41915. Adult Aliens.
§ 41916. Minor Aliens.

Article 5. Housing 251
§ 42000. Definitions.
§ 42001. License.
§ 42002. Assignment of Priority.
§ 42003. Special Group Arrangements.
§ 42004. Schedule of Fees.
§ 42005. Approved Guests.
§ 42006. Non–Approved Guests.
§ 42007. Licensee's Responsibility for Conduct of Visitors and Guests.
§ 42008. Advanced Payment of Fees.
§ 42009. Installment Payments.
§ 42010. Deferment of Fee Payment.
§ 42011. Failure to Pay Fees.
§ 42012. Termination of Use of the Facility.
§ 42013. Revocation of Reservation or License.
§ 42014. Security Deposits.
§ 42015. Cancellation of Reservation.
§ 42016. Notice of Vacating.
§ 42017. Acceptance of Request to Cancel or Vacate.
§ 42018. Waiver of Notice.
§ 42019. Cancellation, Vacating, or Revocation—Obligation of the Licensee.
§ 42020. Refund Policy.
§ 42021. Offset Against Refunds.
§ 42022. Fees Collected in Error.
§ 42023. Collection of Miscellaneous Fees.
§ 42024. Amendment to Regulations.

Article 6. Meals 252.3
§ 42100. Required Purchase of Meals.
§ 42102. Payment of Fees.
§ 42103. Disposition of Fees Collected.

Article 7. Parking 252.3
§ 42200. Driving and Parking Vehicles on Campus Property.
§ 42201. Campus Parking Fees.
§ 42202. State College Revenue Bond Parking Facilities.
§ 42203. Headquarters Parking.

Article 8. Gifts, Donations, and Bequests to California State University 253
§ 42300. Determination of Beneficial Nature of Gift and Acceptance.
§ 42301. Notice of Acceptance and Declaration of Benefit.

Article 9. Use of California State University Buildings and Grounds 253
§ 42350. Definitions.
§ 42350.1. Commercial Transactions.
§ 42350.5. Solicitation.

Page

§ 42350.6. Commercial Solicitation.
§ 42351. Selling of Published Materials.
§ 42352. Handbills and Circulars.
§ 42353. Public Meetings, Performances, Rallies and Similar Events.
§ 42353.1. Bicycles, Skateboards, Roller Skates, and Animals.
§ 42354. Notice.
§ 42355. Headquarters.
§ 42356. Smoking on Campus.

Article 10. Disposition of Lost Property 255
§ 42375. Care, Restitution, Sale or Destruction of Lost Property.
§ 42376. Proceeds of Sale.

Article 11. Means of Collection 255
§ 42380. Debts Owed California State University.
§ 42381. Withholding of Services for Non-Payment of Debts.

Article 12. State College Special Projects Fund 255
§ 42390. Rules and Procedures of State College Special Projects Fund.

Article 13. Emergency Meeting 255
§ 42395. Rules and Procedures for Emergency Meeting of the Board of Trustees.

Article 14. Privacy and Personal Information Management 255
§ 42396. Privacy.
§ 42396.1. Definitions.
§ 42396.2. Principles of Personal Information Management.
§ 42396.3. Exemptions.
§ 42396.4. Administrative Implementation.
§ 42396.5. Continuing Review of Information Management Practices.

Article 15. Alumni Associations 256
§ 42397. Purpose.
§ 42397.1. Recognition.
§ 42397.2. Organization.
§ 42397.3. Fundraising.
§ 42397.4. Financial Activities.
§ 42397.5. Audit.
§ 42397.6. Organization of Constituency Alumni Groups.
§ 42397.7. Fundraising by Constituency Alumni Groups.
§ 42397.8. Financial Activities of Constituency Alumni Groups.
§ 42397.9. Audit of Constituency Alumni Groups.
§ 42397.10. Waiver.
§ 42397.11. CSU Alumni Council and Systemwide Constituency Alumni Groups.

Subchapter 6. Auxiliary Organizations 260

Article 1. General 260
§ 42400. Definition.
§ 42401. Declaration of Policy.
§ 42402. Authority of Campus President.
§ 42403. Funds.
§ 42404. Records.
§ 42405. Employees.
§ 42406. List of Auxiliary Organizations in Good Standing.
§ 42407. Establishment of Auxiliary Organizations.
§ 42408. Fiscal Audits.

Article 2. Functions of Auxiliary Organizations and Requirement for Written Agreements 262
§ 42500. Functions of Auxiliary Organizations.
§ 42501. Requirement of Written Agreement.
§ 42502. Contents of Written Agreement.

Article 3. Organization and Operation 263
§ 42600. Organization.
§ 42601. Operation.
§ 42602. Composition of Board of Directors.

Article 4. Student Body Organization Funds 264
§ 42659. Approved Uses of Student Body Organization Funds.
§ 42659.1. Governmental Affairs Representatives.
§ 42660. Financial Aid.

Article 5. Systemwide Auxiliary Organizations 264
§ 42665. Definition.
§ 42666. Requirements.
§ 42667. For-Profit Subsidiaries.

Subchapter 7. Employees 265

Article 1. Definitions 265
§ 42700. Definitions.

Article 2. Staff Organization and Appointment of Employees 266
§ 42701. Consultative Procedure.
§ 42702. Appointments.
§ 42703. Terms of Appointment.
§ 42704. Designation of Teaching Areas.
§ 42705. Chancellor.
§ 42711. Faculty.
§ 42712. Other Employees.
§ 42713. Work Assignments.
§ 42714. Grievance Procedures for Academic Personnel.
§ 42715. Pilot Modified College Year Program.

Article 2.2. Management Personnel Plan 266.2
§ 42720. Structure.
§ 42721. Salary Administration.
§ 42722. Evaluation Plan.
§ 42723. Employment Status.
§ 42724. Promotion.
§ 42725. Reassignment.
§ 42726. Holidays, Vacation, and Sick Leave.
§ 42727. Professional Development.
§ 42728. Reconsideration.

Article 2.5. Academic Year Employees at Campuses on Quarter System Year-Round Operations 266.4
§ 42750. Policy.
§ 42751. Establishment of Period of Four Consecutive Quarters During Which Three Quarters Academic Year of Service Is Performed.
§ 42752. Assignment to Academic Quarters.
§ 42753. Teaching Assignments.
§ 42754. Teaching an Extra Quarter Assignment.
§ 42755. Special Rule Applicable in Cases of Part-Time Service During Summer Quarters of 1966 and 1967.

Page

§ 42760. Special Rule Applicable to Campuses Phasing out of Quarter System Year–Round Operations.

Article 2.7. Twelve–Month Librarians Electing to Work on a Ten–Month Basis 267
§ 42770. Policy.
§ 42771. Right of Election.
§ 42772. Notice of Election.
§ 42773. Compensation.
§ 42774. Determination of Period of Service.
§ 42775. Delegation.
§ 42776. Definition.
§ 42777. Effective Date of Appointments to Ten–Month Positions.

Article 3. Compensation and Pay Plan 267
§ 42800. Fixing of College Year, Semesters, Quarters, and Academic Holidays.
§ 42801. Classification of Employees for Pay Plan Purposes.
§ 42802. Effective Date of Initial Appointment.
§ 42803. Pay Plan for California State University Employees. Amount and Dates of Payment.
§ 42804. Interim Reduction in Pay Due to Noncompensable Absence.
§ 42805. Settlement Payments.
§ 42805.5. Effective Date.
§ 42806. Certification by Employee.

Article 3.5. Tax Deferred Retirement Benefit 271
§ 42850. Purpose.
§ 42851. Qualified 403(b) Plan Contracts.
§ 42852. Eligible Participation.
§ 42853. Administration and Implementation.
§ 42854. Qualified 403(b) Plan.

Article 4. Vacations 272
§ 42900. Classification of Employees for Vacation Purposes.
§ 42901. Academic Year Employee.
§ 42902. Vacation Credit.
§ 42903. Employee Not Eligible for Vacation.
§ 42904. Other Employees.
§ 42905. Computation of State Service.
§ 42906. Multiple Positions.
§ 42907. Change in Appointment or Assignment.
§ 42908. Transfer of Vacation.
§ 42909. Accumulation and Carry–Over.
§ 42910. Vacation.
§ 42911. Records.
§ 42912. Payment upon Separation.
§ 42913. Effective Date.

Article 4.1. Holidays 274
§ 42920. Holidays.

Article 4.2. Catastrophic Leave Donation Program 274
§ 42930. Purpose.
§ 42931. Definition of Catastrophic Illness or Injury.
§ 42932. Participation and Eligibility.
§ 42933. Donation.

Article 5. Leaves of Absence with Pay 275
§ 43000. Grants, Purpose and Terms.
§ 43001. Eligibility and Effect.
§ 43002. Requisite Position and Assignment.
§ 43003. Number.
§ 43004. Application.
§ 43005. Bond, Compensation and Further Leaves.
§ 43006. Reinstatement.
§ 43007. Retirement and Continuity of Service.
§ 43008. Replacements.

Article 5.1. Special Leaves for Research or Creative Activity 277
§ 43050. Grant and Purpose.
§ 43051. Eligibility, Terms and Further Procedures.
§ 43052. Obligation to Teach Following Leave.
§ 43053. Benefits While on Leave.

Article 5.9. Military Leave 277
§ 43095. Military Leave.

Article 6. Leaves of Absence Other Than Leaves of Absence with Pay 277
§ 43100. Leave of Absence Without Pay.
§ 43101. Military Leave.
§ 43102. Salary Increase Following Leave of Absence Without Pay.

Article 6.3. Reduced Worktime Program for All Employees Other Than Academic Teaching Employees 278
§ 43130. Purpose and Definitions.
§ 43131. Eligibility.
§ 43132. Salary and Benefits.
§ 43133. Request for Participation.
§ 43134. Condition of Participation.
§ 43134.1. Minimum Time for Participation.
§ 43135. Right to Grieve if Coerced or Unreasonably Denied Participation.
§ 43136. Effect of Participation on Seniority.
§ 43137. Return to Full–Time Work—Employee Request.
§ 43137.1. Return to Full–Time Work—Campus Request.
§ 43138. When Budget Reductions Are Contemplated.
§ 43139. Administration.

Article 6.4. Reduced Worktime Program for Academic Teaching Employees 279
§ 43140. Purpose and Definitions.
§ 43141. Eligibility.
§ 43142. Salary and Benefits.
§ 43143. Request for Participation.
§ 43144. Condition of Participation.
§ 43144.1. Minimum Time for Participation.
§ 43145. Right to Grieve if Coerced or Unreasonably Denied Participation.
§ 43146. Effect of Participation on Seniority.
§ 43147. Return to Full–Time Work—Employee Request.
§ 43147.1. Return to Full–Time Work—Campus Request.
§ 43148. When Budget Reductions Are Contemplated.
§ 43149. Administration.

Article 6.5. Preretirement Reduction in Time Base 281
§ 43150. Purpose.
§ 43151. Eligibility.
§ 43152. Request for Participation.
§ 43153. Condition of Participation.
§ 43154. Salary and Benefits.
§ 43155. Administration.

Page

Article 6.7. Faculty Early Retirement Program 282
§ 43170. Purpose.
§ 43171. Eligibility.
§ 43172. Election to Participate.
§ 43173. Conditions of Participation, Salary and Benefits.
§ 43174. Administration.

Article 7. Separation of Employees from Service for Lack of Funds or Lack of Work 283

Article 8. Termination of Employment of Probationary Employees 283
§ 43300. Probationary Employee Defined.
§ 43301. Probationary Nonacademic Employees.
§ 43302. Probationary Administrative Employees.

Article 8.1. Employees Performance Appraisal Requirements 283
§ 43350. Policy.
§ 43351. Procedures.
§ 43352. Part-Time Nonacademic Employees.
§ 43353. Excluded Employees.

Article 9. Change in Employment Status of Disabled Employees 283
§ 43400. Disabled Employees Eligible for Disability Retirement.
§ 43401. Application for Disability Retirement by an Employee.
§ 43402. Application for Disability Retirement by the Appointing Power.
§ 43403. Dismissal, Demotion and Reassignment.
§ 43404. Medical Examination.
§ 43405. Medical Report Submitted by the Employee.
§ 43406. Demotion and Reassignment.
§ 43407. Reinstatement Rights.
§ 43408. Reinstatement from Retirement.
§ 43409. Voluntary Change in Employment Status.
§ 43410. Disciplinary Action.

Article 9.5. Industrial Disability Leave Benefits and Nonindustrial Disability Insurance for Disabled Employees 285
§ 43420. Delegation of Authority.

Article 10. Reassignment of Administrative Employees 285
§ 43500. Notice.
§ 43501. Hearing Request.

Article 11. Disciplinary Actions 285
§ 43520. Direct Resolution.
§ 43521. Cause.
§ 43522. Temporary Suspension.
§ 43523. Applications.
§ 43524. Disciplinary Actions.
§ 43525. Disciplinary Action Procedures for Academic Personnel.
§ 43526. Disruption of Campus Activities.

Article 12. Reinstatement 286

Page

§ 43550. Employees Leaving with Reinstatement Rights.
§ 43551. Rehiring.

Article 13. Tenure Rights of Academic Employees 287
§ 43560. Probationary Period and Award of Tenure.
§ 43560.1. Academic Employees Whose Full-Time Service Began Prior to September 1, 1971.
§ 43560.2. Application of Section 43560 to Certain Employees.
§ 43560.5. Terminal Dates for Academic Year Employees Who Are Not Reappointed.
§ 43561. Recommendations, Review and Notice Dates.
§ 43562. Probationary Period, Promotion, and Nonaccruing Assignments.
§ 43563. Leave of Absence Without Pay.
§ 43564. Late Reporting for Duties.
§ 43565. Service in Academic—Administrative Assignment and Office of the Chancellor.
§ 43566. Notifications of Reappointment, Non-Reappointment, and Award or Denial of Tenure.
§ 43567. Grievance Procedure.
§ 43568. Notification of Availability.
§ 43569. Notice by Employees.
§ 43571. Lecturers.
§ 43572. Director of Athletics and Athletic Coach.

Article 14. Tenure Rights of Administrative Employees 290
§ 43580. Probationary Period.
§ 43581. Transfer.
§ 43582. Acquisition of Permanent Status.
§ 43583. Service in Office of the Chancellor.
§ 43584. Service of Employees Transferred Temporarily from Office of the Chancellor.
§ 43585. Notice of Rejection to Probationary Administrative Employee.
§ 43586. Reappointment.
§ 43587. Grievance Procedure.

Article 14.1. Permanent Status of Nonacademic Employees 291
§ 43588.1. Acquisition of Permanent Status.
§ 43588.2. Transfer Rights.
§ 43588.3. Probationary Period.

Article 15. Tenure Rights of Employees Serving in Academic-Administrative Assignments 291
§ 43593. Academic-Administrative Assignments.
§ 43594. Termination of Assignments.
§ 43595. Leave of Absence Without Pay.
§ 43596. Transfer to New Campus.

Article 15.1. Rules of Procedure for Appearance of an Employee Under Government Code Section 1028.1 292
§ 43600. Designation of Committee of Governing Body.
§ 43601. Form and Service of Order to Employee.
§ 43602. Meetings.
§ 43603. Counsel.

Page

§ 43604. Conduct of Proceedings.
Article 15.5. Certification of Nonacademic and Administrative Employees to Continue Employment Beyond Mandatory Retirement Age 292
Article 15.6. Certification of Tenured Faculty to Continue Employment Beyond Age 70 293
§ 43660. Purpose.
§ 43661. Scope and Definition.
§ 43662. Failure to Request or Receive Certification.
§ 43663. Initial Certification.
§ 43664. Recertification.
§ 43665. Employment Status.
§ 43666. Temporary Continuance in Employment.
§ 43667. Delegation.
§ 43668. Repeal.
Article 16. Authority to Meet and Confer with Employee Organizations 293
§ 43700. Delegation of Authority.
§ 43701. Reports.
§ 43702. Reservation of Authority.
§ 43703. Policy for Employee Organizations.
§ 43703.1. Definitions.
§ 43704. Representatives.
§ 43705. Use of Campus Facilities.
§ 43706. Display and Distribution of Organizational Materials.
§ 43707. Campus Mail Services.
§ 43708. Organizational Solicitation.
§ 43709. Use of Campus Equipment.
§ 43710. Verification of Employee Organizations.
§ 43711. Violation of Policy: Hearings.
Article 16.1. Public Notice of Initial Proposals of Exclusive Representatives and California State University 296
§ 43725. Procedures.
§ 43726. Procedures—Additional Proposals.
Article 16.2. Bona Fide Associations 297
§ 43727. Definition.
§ 43728. Registration.
§ 43729. Revocation of Registration.
Article 17. Rules of Procedure for Grievance Proceedings for Academic Personnel 297

Page

§ 43750. Delegation of Authority.
Article 18. Rules of Procedure for Grievance Proceedings for Nonacademic and Administrative Personnel 297
§ 43775. Delegation of Authority.
Article 19. Amendment 297
§ 43800. Amendment.
Article 20. California State University—Conflict of Interest Code 297
Article 21. Effect of Memorandum of Understanding on Subchapter 298
§ 43825. Memorandum of Understanding.
Subchapter 8. Environmental Quality 298
Article 1. General 298
§ 43850. Authority.
§ 43851. Definitions.
§ 43852. Purpose.
Article 2. Guidelines 299
§ 43853. Application.
§ 43854. Statewide Guidelines.
Article 3. Authority to Adopt New Rules, Orders and Procedures 299
§ 43860. Delegation of Authority.
§ 43861. Designations.
Subchapter 9. Contracts and Purchases 299
Article 1. Disabled Veteran Business Enterprise Participation Goal for California State University Contracts 299
§ 43870. Contract Approval.
§ 43871. Definitions.
§ 43872. Disabled Veteran Business Enterprise Goal.
§ 43873. Meeting the Goal or Making a Good Faith Effort.
§ 43874. Contract Awards.
Article 2. Disabled Veteran Business Enterprise Participation Goal for Professional Bond Services 300
§ 43880. Purpose.
§ 43881. Definitions.
§ 43882. TBE List.
§ 43883. Competitive Sales.
§ 43884. Negotiated Sales.

Division 5. Board of Trustees of the California State Universities

Chapter 1. California State University

Subchapter 1. Definitions

§ 40000. Campus.

As used in this Chapter, the term "campus" shall mean any of the institutions included within the California State University, as specified in Section 89001 of the Education Code.

NOTE: Authority cited: Sections 66600 and 89030, Education Code.

HISTORY

1. New Subchapter 1 (Section 40000) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Subchapter 2. Educational Program

Article 1. General Function

§ 40050. Functions.

The primary function of the California State University is the provision of instruction for undergraduate students and graduate students through the master's degree, in the liberal arts and sciences, in applied fields and in the professions, including the teaching profession. Presently established two–year programs in agriculture are authorized, but other two–year programs shall be authorized only when mutually agreed upon by the Board of Trustees of the California State University and the Board of Governors of the California Community Colleges. The doctoral degree may be awarded jointly with the University of California, or jointly with a private institution of higher education accredited by the Western Association of Schools and Colleges, provided that in the latter case, the doctoral program is approved by the California Postsecondary Education Commission. Faculty research is authorized to the extent that it is consistent with the primary function of the California State University and the facilities provided for that function.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 66608, Education Code.

HISTORY

1. Renumbering of Subchapters 1–6 to Subchapters 2–7, inclusive. Amendment and renumbering of Section 40000 filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 71, No. 1.
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40050.1. Function: Instruction Leading to the Doctor of Education Degree.

Notwithstanding Section 40050, the Doctor of Education degree may be awarded independently of any other institution of higher education, provided that the program leading to the degree satisfies the criteria in subdivision (a) of Section 40511.

NOTE: Authority cited: Sections 66600, 66040.3, 89030 and 89035, Education Code. Reference: Sections 66040.3, 66600 and 89030, Education Code.

HISTORY

1. New section filed 7–27–2006; operative 7–27–2006. Submitted to OAL for printing only (Register 2006, No. 37).

§ 40051. California Polytechnic State University, San Luis Obispo and California Polytechnic State University, Pomona, Special Emphases.

In addition to the functions provided by Section 40050, California Polytechnic State University, San Luis Obispo, and California Polytechnic State University, Pomona, shall each be authorized to emphasize the applied fields of agriculture, engineering, business, home economics and other occupational and professional fields. This section shall be liberally construed.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 90404, Education Code.

HISTORY

1. Amendment filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment and renumbering of Section 40001 filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40055. California Maritime Academy.

The primary mission of the California Maritime Academy, a specialized institution, is to provide instruction in the maritime sciences, engineering, and related fields, including all those necessary to provide the highest quality licensed officers for the merchant marine and California maritime industries. The California Maritime Academy is authorized to require students in one or more degree programs to qualify for United States Coast Guard merchant marine licenses as a condition of earning a degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030 and 90100, Education Code.

HISTORY

1. New section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 40056. California Maritime Academy: Board of Visitors.

(a) The Board of Visitors to the California Maritime Academy is hereby established. It shall advise the president of the academy on matters related to the mission of the academy. The Board of Visitors shall be constituted with a membership consistent with the requirements of Education Code Section 90120. The Federal Maritime Administration is invited to provide a nonvoting representative to participate in meetings of the Board of Visitors, as provided by Education Code Section 90120.

(b) The President of the California Maritime Academy is delegated authority to appoint members to the academy's Board of Visitors.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030, 90120 and 90121, Education Code.

HISTORY

1. New section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 40057. California Maritime Academy: Special Requirements.

The California Maritime Academy is authorized to require students to meet standards and requirements established by the United States Coast Guard and the Federal Maritime Administration. The following are requirements for academy students in degree programs which require a United States Coast Guard merchant marine license:

(a) The students shall be required to take a medical examination to determine eligibility for admission, shall be subject to scheduled and unscheduled examination and testing for the use of drugs and alcohol and shall be subject to periodic medical examinations to determine fitness for study, training and assigned duties.

(b) The students shall be required to participate in training cruises, conducted by both the academy and commercial operators.

(c) The students shall be required to purchase health insurance by or through the academy or to provide proof of equivalent coverage.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030, 90100, 90122 and 90130, Education Code.

HISTORY

1. New section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 40059. California Maritime Academy: Student Conduct.

The California Maritime Academy is authorized to establish special standards of performance, conduct, and discipline to which students at the academy shall be subject. The academy shall have a demerit and discipline system that shall include among its sanctions dismissal, probation, suspension, restitution, extra duty, and other service to the academy or community. The president of the academy shall adopt disciplinary procedures for students at the academy. A copy of the disciplinary procedures shall be provided to every student.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030, 90100, 90121 and 90130, Education Code.

HISTORY

1. New section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 40060. California Maritime Academy: Special Provisions and Exceptions from Other California State University Regulations.

Notwithstanding any other provision of Division 5 of Title 5 of the California Code of Regulations, the California Maritime Academy, by recommendation of its president after consultation with the academy's academic senate on issues within its purview, and approval of the chancellor, may establish separate fees, academic and professional training requirements, and student regulations deriving from its specialized mission.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030, 90100, 90121, 90130, 90140 and 90142, Education Code.

HISTORY

1. New section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 2. Curricula

§ 40100. Authorization to Establish Curricula.

A campus may be authorized by the Board of Trustees to establish and maintain curricula leading to the bachelor's degree, the master's degree, and the doctoral degree, provided that in the case of the doctoral degree, the requirements of Section 40050 or Section 40050.1 are satisfied.

NOTE: Authority cited: Sections 66600, 66040.3, 89030 and 89035, Education Code. Reference: Sections 66040.3, 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment of section and NOTE filed 7–27–2006; operative 7–27–2006. Submitted to OAL for printing only (Register 2006, No. 37).

§ 40100.1. Cooperative Curricula.

Curricula leading to the bachelor's or master's degree may be established cooperatively by two or more campuses. The Chancellor is authorized to establish and from tie to time revise such procedures as may be appropriate for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40100.2. The Consortium of the California State University and Colleges.

The Consortium of The California State University and Colleges ("The Consortium") is hereby established. Notwithstanding any other provision of this chapter to the contrary, The Consortium shall conduct academic programs utilizing combined faculty and program resources of The California State University and Colleges, and degrees authorized in Article 6, Subchapter 2 of this chapter may be awarded by The Consortium in the name of the Board of Trustees. The Chancellor is authorized to establish and from time to time to revise such provisions as may be appropriate for the administration of this section. The Chancellor shall report annually to the Board on such provisions issued pursuant to this section, commencing at the first meeting of the Board following July 1, 1974.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40100.3. Authorization to Establish Teacher Education Programs.

The Chancellor may establish and operate teacher education programs leading toward fulfillment of requirements for one or more public school service credentials. When the programs are approved by the California Commission for Teacher Credentialing, the campuses participating in the programs are authorized to recommend individuals who have completed requirements to the California Commission for Teacher Credentialing. Students admitted to these programs and recommended for credentials shall have met relevant portions of Article 9 (commencing with section 41100) of Subchapter 3, Requirements for Admission to Teacher Basic Credential Programs and Student Teaching and Recommendation for Teaching Credential. The Chancellor shall consult with the Statewide Academic Senate during the establishment and operation of these programs.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 6–4–2000; operative 6–4–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 40101. Authorization to Recommend for Teaching Credentials.

A campus may establish and maintain courses leading toward fulfillment of requirements for one or more public school service credentials, and when a campus is approved by the Commission for Teacher Preparation and Licensing, the campus is authorized to recommend qualified applicants to the Commission for Teacher Preparation and Licensing for the credential.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 44227, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40102. Procedure for Establishing Curricula.

A curriculum may be established at a campus only in accordance with procedures adopted by the Board of Trustees.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).

2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40103. Definition of Units.

The standard unit of measurement used in reference to curriculum and degree requirements is the semester unit. This may be converted into quarter units by multiplying by a factor of 1.5. Whenever the term "unit" or "semester unit" is used in this Subchapter and is not preceded by the term "quarter," it shall be deemed to refer to semester units in the amount specified, and to the equivalent number of quarter units, determined as provided in this Section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 3-22-68; designated effective 9-1-69 (Register 68, No. 12).
2. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40104. Definition of Grade Points.

For purposes of computing grade point averages, a scale shall be used as follows: A = 4; B = 3; C = 2; D = 1; and F = 0 grade points. A campus may use "plus" and "minus" designations in combination with letter grades and may compute grade point averages taking plus and minus values into account. In said computations a plus shall be computed by adding .3 to the value assigned to the letter grade with which it is combined and a minus shall be computed by subtracting .3 from the value assigned to the letter grade with which it is combined except that no grade point value shall be less than 0 or greater than 4.0. In the case of grading experiments approved by the chancellor, finer decimal values may be assigned.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 7-28-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40104.1. Grading Designations.

For undergraduate courses, individual campuses, with the approval of the Chancellor, may utilize for designated courses or groups of courses any combination of (a) the grades A, B, C, D, F; (b) the grades A, B, C, and NC (No Credit) for the grades D and F; (c) the grade CR (Credit) for the grades A, B, and C and the grade NC (No Credit) for the grades D and F.

For all graduate level courses, individual campuses with the approval of the Chancellor, may utilize for designated courses or groups of courses any combination of (a) the grades A, B, C, D, F; (b) the grades A, B, and the grade NC (No Credit) for the grades C, D, and F; (c) the grade CR (Credit) for the grades A and B and the grade NC (No Credit) for the grades C, D, and F.

A campus may utilize plus and minus designations in combination with letter grades in any of the grading systems listed above. The Chancellor may approve experimental combinations of grades and grading designations not listed above so long as grade point averages can be computed in accordance with the values assigned in Section 40104.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 12-13-71; effective thirtieth day thereafter (Register 71, No. 51).
2. Amendment filed 7-26-74; effective thirtieth day thereafter (Register 74, No. 30).
3. Amendment filed 7-28-76; effective thirtieth day thereafter (Register 76, No. 31).
4. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40105. Definition of "Appropriate Campus Authority."

Whenever the term "appropriate campus authority" is used in this Subchapter, it shall be deemed to mean the President of the campus acting upon the recommendation of the faculty of the campus.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 3-22-68; designated effective 9-1-69 (Register 68, No. 12).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

Article 3. Special Sessions

§ 40200. Authorization.

Each campus is authorized to offer Special Sessions courses and services. The Chancellor is authorized to establish and from time to time revise procedures for implementing this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600, 89030, 89704, 89708 and 89709, Education Code.

HISTORY

1. Amendment filed 1-17-80; effective thirtieth day thereafter (Register 80, No. 3).
2. Amendment of Article heading and NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40201. Credit Allowance.

In a Special Session a maximum of one semester unit may be allowed for each fifteen hours of instruction.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600, 89030, 89704, 89708 and 89709, Education Code.

HISTORY

1. New section filed 1-17-80; effective thirtieth day thereafter (Register 80, No. 3). For prior history, see Register 74, No. 30.
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40202. Special Session Enrollment in State Supported Regular Curriculum Offerings.

Each campus may designate each semester or quarter those state supported regular course offerings which may be attended for special session credit; provided, that enrollment in any such course for special session credit shall be permitted only after students otherwise eligible to enroll in the course as a state supported regular course offering have had an opportunity to do so.

NOTE: Authority cited: Sections 89030, Education Code. Reference: Sections 89030, 89704, 89708 and 89709, Education Code.

HISTORY

1. New section filed 8-6-98; operative 8-6-98. Submitted to OAL for printing only (Register 98, No. 20).

Article 4. Extension Courses

§ 40300. Establishment and Maintenance.

Each campus may establish and maintain extension courses and services when authorized to do so by the Board of Trustees.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40301. Extension Enrollment in Regular Curriculum Offerings.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY
1. New section filed 7-27-71; effective thirtieth day thereafter (Register 71, No. 31).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
5. Repealer filed 8-6-98; operative 8-6-98. Submitted to OAL for printing only (Register 98, No. 20).

Article 5. General Requirements for Graduation

§ 40400. Procedure for Granting Diplomas, Certificates and Degrees.

The Board of Trustees, upon recommendation of the faculty of the campus, shall issue the appropriate diploma, certificate or degree to a student who has completed the prescribed course of study.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY
1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40401. Election of Regulations.

An undergraduate student remaining in attendance in regular sessions at any California State University campus, at any California community college, or any combination of California community colleges and campuses of The California State University may for purposes of meeting graduation requirements elect to meet the requirements in effect at the campus from which the student will graduate either

(1) at the time the student began such attendance or

(2) at the time of entrance to the campus, or

(3) at the time of graduation.

Campus authorities may authorize or require substitutions for discontinued courses. A campus may require a student changing his or her major or any minor field of study to complete the major or minor requirements in effect at the time of the change.

For purposes of this section "attendance" means attendance in at least one semester or two quarters each calendar year. Absence due to an approved educational leave or for attendance at another accredited institution of higher learning shall not be considered an interruption in attendance, if the absence does not exceed two years.

A campus may prescribe that particular requirements be met within as few as seven years of the date of award of the degree.

NOTE: Authority cited: Sections 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY
1. Amendment filed 6-21-73; effective thirtieth day thereafter (Register 73, No. 25). For prior history, see Register 72, No. 35.
2. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 12-4-84; effective thirtieth day thereafter (Register 84, No. 49).

§ 40402. Required Scholarship.

Each undergraduate student shall complete with a grade point average of 2.0 (grade C) or better:

(a) All units applicable toward a degree, including those accepted by transfer from another institution;

(b) All units in the major; and

(c) All units attempted at the campus granting the degree, except that only those courses in which a letter grade (A, B, C, D, F) is assigned shall be used in computing grade point average.

In computing the grade point average, units attempted or grade points earned for previous attempts of courses which have been repeated with the approval of the appropriate campus authority, shall be excluded.

When, in the opinion of the appropriate campus authority, work completed during a previous enrollment at the campus or at another institution of higher education is substandard and not reflective of the student's present scholastic ability and level of performance, all work completed during one or two semesters (or up to three quarters), as the appropriate campus authority shall decide, may be disregarded in the computation of grade point averages and other requirements for graduation. The Chancellor shall establish provisions for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY
1. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 74, No. 40).
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40402.1. Entry-Level Learning Skills.

Each student admitted to The California State University is expected to possess basic competence in the English language and mathematical computation to a degree reasonably expected of entering college students. Students admitted who cannot demonstrate such basic competence should be identified as quickly as possible and be required to take steps to overcome the deficiencies. Any coursework completed primarily for this purpose shall not be applicable to the baccalaureate degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY
1. New section filed 7-11-80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Renumbering and amendment of former section 40405.1 to section 40402.1 filed 9-16-91; operative 10-16-91 (Register 92, No. 2).
4. Amendment repealing first paragraph filed 7-19-2004; operative 7-19-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40403. Required Residence.

(a) Except as otherwise provided in this Section, 30 units shall be earned in residence at the campus granting the degree. Twenty-four of these units shall be earned in upper division courses and 12 of the units shall be in the major.

(b) Extension credit or credit by evaluation shall not be used to fulfill any requirement prescribed by this section; provided, however, that the Chancellor may designate specified extension courses that may be offered for residence credit and may establish policies and procedures under which residence credit may be earned by evaluation.

(c) When the circumstances of an individual case make it appropriate, the appropriate campus authority may authorize the substitution of credit earned at other campuses or institutions for residence credit.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY
1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6). For prior history, see Register 77, No. 18.
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40404. Requirements in United States History, Constitution and American Ideals.

The purpose of the following requirements is to ensure that students acquire knowledge and skills that will help them to comprehend the workings of American democracy and of the society in which they live to enable them to contribute to that society as responsible and constructive citizens. To this end each campus shall provide for comprehensive study of American history and American government including the historical development of American institutions and ideals, the Constitution of the United States and the operation of representative democratic government under that Constitution, and the processes of state and local gov-

ernment. To qualify for graduation each student shall demonstrate competence by completing courses in the foregoing fields or by passing comprehensive examinations in those fields. Students transferring from other accredited institutions of collegiate grade, who have been certified by such institutions as meeting these requirements, shall not be required to take further courses or examinations therein. The Chancellor may institute such guidelines as may be appropriate for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8–6–82; effective thirtieth day thereafter (Register 82, No. 32).

§ 40405. General Education—Breadth Objectives.

General education–breadth requirements in The California State University are so designed that, taken with the major depth program and elective credits presented by each candidate for the bachelor's degree, they will assure that graduates from the several campuses in the system have made noteworthy progress toward becoming truly educated persons. Particularly, the purpose of the breadth requirements is to provide means whereby graduates:

(a) will have achieved the ability to think clearly and logically, to find and critically examine information, to communicate orally and in writing, and to perform quantitative functions;

(b) will have acquired appreciable knowledge about their own bodies and minds, about how human society has developed and how it now functions, about the physical world in which they live, about the other forms of life with which they share that world, and about the cultural endeavors and legacies of their civilizations;

(c) will have come to an understanding and appreciation of the principles, methodologies, value systems, and thought processes employed in human inquiries.

It is the intent of this section that the general education–breadth requirements be planned and organized in such a manner that students will acquire the abilities, knowledge, understanding, and appreciation suggested as interrelated elements and not as isolated fragments.

There are three acceptable programs: The California State University General Education–Breadth Requirements (Section 40405.1), the Intersegmental General Education Transfer Curriculum (Section 40405.2), and General Education Reciprocity with the University of California (Section 40405.3).

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
4. Amendment repealing first paragraph filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40405.1. California State University General Education—Breadth Requirements.

(a) Each recipient of the bachelor's degree completing the California State University General Education–Breadth Requirements pursuant to this subdivision (a) shall have completed a program which includes a minimum of 48 semester units or 72 quarter units of which 9 semester units or 12 quarter units shall be upper division level and shall be taken no sooner than the term in which the candidate achieves upper division status. At least 9 of the 48 semester units or 12 of the 72 quarter units shall be earned at the campus granting the degree. The 48 semester units or 72 quarter units shall be distributed as follows:

(1) A minimum of 9 semester units or 12 quarter units in communication in the English language, to include both oral communication and written communication, and in critical thinking, to include consideration of common fallacies in reasoning.

(2) A minimum of 12 semester units or 18 quarter units to include inquiry into the physical universe and its life forms, with some immediate participation in laboratory activity, and into mathematical concepts and quantitative reasoning and their applications.

(3) A minimum of 12 semester units or 18 quarter units among the arts, literature, philosophy and foreign languages.

(4) A minimum of 12 semester units or 18 quarter units dealing with human social, political, and economic institutions and behavior and their historical background.

(5) A minimum of 3 semester units or 4 quarter units in study designed to equip human beings for lifelong understanding and development of themselves as integrated physiological, social, and psychological entities.

The specification of numbers of units implies the right of discretion on each campus to adjust reasonably the proportions among the categories in order that the conjunction of campus courses, credit unit configurations and these requirements will not unduly exceed any of the prescribed semester or quarter unit minima. However, the total number of units in General Education–Breadth accepted for the bachelor's degree under the provisions of this subdivision (a) should not be less than 48 semester units or 72 quarter units.

(b) The president or an officially authorized representative of a college which is accredited in a manner stated in Section 40601 (d) (1) may certify the extent to which the requirements of subdivision (a) of this section have been met up to a maximum of 39 semester units (or 58 quarter units). Such certification shall be in terms of explicit objectives and procedures issued by the Chancellor.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Renumbering and amendment of former sections 40405.2 and 40405.3 to 40405.1 and renumbering of former section 40405.1 to section 40402.1 filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
4. Amendment repealing first paragraph filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40405.2. Intersegmental General Education Transfer Curriculum.

(a) Students transferring from California Community Colleges under the provisions of this subdivision may satisfy General Education–Breadth requirements for the California State University bachelor's degree through satisfactory completion of the Intersegmental General Education Transfer Curriculum and a minimum of 9 semester units or 12 quarter units of upper division general education coursework. All upper division general education requirements shall be completed no sooner than the term in which the candidate achieves upper division status at the California State University campus granting the degree.

All lower division requirements can be fulfilled by completing the Intersegmental General Education Transfer Curriculum which shall include lower division courses distributed as follows:

(1) A minimum of 9 semester units or 12 quarter units in English communication, to include one course in English composition of no fewer than 3 semester units or 4 quarter units, one course in oral communication of no fewer than 3 semester units or 4 quarter units, and one course in critical thinking–English composition of no fewer than 3 semester units or 4 quarter units.

(2) A minimum of 3 semester units or 4 quarter units in mathematical concepts and quantitative reasoning.

(3) At least three courses totaling a minimum of 9 semester units or 12 quarter units in arts and humanities, to include at least one course in the arts and at least one course in the humanities.

(4) At least three courses totaling a minimum of 9 semester units or 12 quarter units in the social and behavioral sciences, including courses in a minimum of two disciplines or in an interdisciplinary sequence.

(5) At least two courses totaling a minimum of 7 semester units or 9 quarter units in the physical and biological sciences, to include at least one course in physical science and one course in biological science, at least one of which incorporates a laboratory.

(b) The president or an officially authorized representative of a California Community College may certify that the requirements of subdivision (a) of this section have been met through the satisfactory completion of courses approved by the California State University and the University of California for inclusion in the Intersegmental General Education Transfer Curriculum. California State University campuses shall accept certification of the fully completed Intersegmental General Education Transfer Curriculum as meeting all of the lower division general education requirements for the baccalaureate degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Renumbering of former section 40405.2 to 40405.1 and adoption of new section filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
2. Amendment repealing first paragraph filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40405.3. Lower Division General Education Reciprocity Between the California State University and the University of California.

(a) The Chancellor may enter into a formal agreement of reciprocity for lower division general education requirements between the California State University and the University of California. Pursuant to such an agreement, students transferring to the California State University from campuses of the University of California may satisfy California State University general education–breadth requirements for the bachelor's degree through satisfactory completion of all lower division general education requirements of a University of California campus and of a minimum of 9 semester units or 12 quarter units of upper division general education coursework at the California State University campus granting the degree. Upper division general education requirements shall be taken no sooner than the term in which the candidate achieves upper division status.

(b) If the chancellor or an officially authorized representative of a University of California campus certifies that a student has completed that campus's lower division general education program, California State University campuses shall accept that certification as meeting all of the lower division general requirements for the baccalaureate degree.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Renumbering of former section 40405.3 to 40405.1 and adoption of new section filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 92, No. 12).
3. Amendment repealing first paragraph filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40405.4. Procedures for Implementing Programs to Meet General Education Requirements.

(a) The Chancellor shall establish procedures to implement the objectives and requirements of Section 40405.1–40405.3, including provision for exceptions in individual cases of demonstrable hardship, and including periodic review of the extent to which the objectives and requirement are being met.

(b) The Chancellor may grant exceptions to the requirements of subdivision (a) of Section 40405.1 for high unit professional degree major programs on a program–by–program basis.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
4. Amendment repealing first paragraph filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40406. Foreign Language.

Foreign language may be required by any campus as a part of the preparation for appropriate major programs.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 3–17–65; effective thirtieth day thereafter (Register 65, No. 5).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40407. Extension Credit.

A maximum of 24 semester units in extension course credit may be applied toward the degree. The Chancellor is authorized to establish and revise criteria for application of extension credits toward the degree in accordance with applicable law.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections66600 and 89030, Education Code.

HISTORY

1. Amendment filed 2–6–73; effective thirtieth day thereafter (Register 73, No. 6).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40407.1. Special Session Credit.

A maximum of 24 semester units in special session course credit earned through state supported or self supported regular course offerings in non–matriculated status may be applied toward the degree. The Chancellor is authorized to establish and revise criteria for application of special session credits earned through enrollment in state supported or self supported regular course offerings toward the degree in accordance with applicable law.

NOTE: Authority cited: Sections 89030, Education Code. Reference: Sections 89704, 89708 and 89709, Education Code.

HISTORY

1. New section filed 8–6–98; operative 8–6–98. Submitted to OAL for printing only (Register 98, No. 20).
2. Amendment of section and NOTE filed 2–8–2002; operative 2–8–2002. Submitted to OAL for printing only (Register 2002, No. 9).

§ 40408. Credit Based on Examination.

Unit credit toward the degree may be secured by passing an examination given or approved by the appropriate campus authority in courses offered by the campus and for which credit has not otherwise been allowed.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40409. Community College Credit.

A maximum of 70 semester units earned in a community college may be applied toward the degree, with the following limitations:

(a) No upper division credit may be allowed for courses taken in a community college.

(b) No more than six semester units in education courses taken in a community college may be applied toward the baccalaureate degree or the professional preparation requirements of a teacher education basic credential program.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of subsection (b) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Editorial correction of Authority cite (Register 95, No. 9).
5. Amendment of subsection (b) filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).

§ 40410. Other Requirements.

Each student shall, as a condition to graduation, satisfactorily complete all general requirements consistent with the provisions of this Code as prescribed by the campus, and, in addition, the general education, major, upper division, and graduate credit requirements specified herein for the degree and curriculum pattern elected by the student. In order to qualify for the campus recommendation for a credential authorizing public school service, the student must, in addition to the meeting of other requirements for graduation, also meet the requirements for the credential sought.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 6. Undergraduate Degrees

§ 40500. Bachelor of Arts Degree: Required Curriculum.

To be eligible for the Bachelor of Arts degree, the candidate shall have completed the following requirements:

(a) General Education–Breadth Requirements. The courses in General Education–Breadth Requirements shall be distributed in the manner prescribed in Sections 40405–40405.4.

(b) Major ..... 24 semester units.

There shall be one major with a minimum of 24 semester units. At least 12 semester units in the major shall be upper division courses or their equivalent. The maximum number of units shall be determined by the campus.

(c) Minor. A minor consisting of 12 or more semester units, of which six must be in upper division credit, may be required.

(d) Additional Units. Units to complete the total required for the degree may be used as electives or to meet other requirements.

(e) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000–01 academic year, the total semester units required for the Bachelor of Arts Degree, of which at least 40 shall be in the upper division credit, shall be 124 semester units. For candidates for the Bachelor of Arts degree who are meeting graduation requirements established during or after the 2000–01 academic year, a minimum of 120 semester units shall be required, including at least 40 semester units in upper–division courses or their equivalent.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 33).
3. Amendment filed 8–11–82; effective thirtieth day thereafter (Register 82, No. 33).
4. Amendment of subsection (a) and NOTE filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
5. Amendment of subsections (d) and (e) filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).
6. Amendment of section heading, repealer of first paragraph and removal of first version of section 40500 (applicable to students entering the curriculum prior to the commencement of the 1981–82 academic year) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40501. Bachelor of Science Degree: Required Curriculum.

To be eligible for the Bachelor of Science degree, the candidate shall have completed the following requirements:

(a) General Education–Breadth Requirements. The courses in General Education–Breadth Requirements shall be distributed in the manner prescribed in Sections 40405–40405.4.

(b) Major ..... 36 semester units.

There shall be one major with a minimum of 36 semester units. At least 18 semester units in this major shall be upper division courses or their equivalent. The maximum number of units shall be determined by the campus.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000–01 academic year, the total semester units required for the Bachelor of Science degree shall be 124 to 132 semester units, as determined by each campus, except that 140 semester units may be required in engineering. For candidates for the Bachelor of Science degree who are meeting graduation requirements established during or after the 2000–01 academic year, a minimum of 120 semester units shall be required.

The number of semester units for each curriculum shall be determined by each campus.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsection (b) filed 8–11–82; effective thirtieth day thereafter (Register 82, No. 33.)
4. Amendment of subsection (a) and NOTE filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
5. Amendment of subsection (c) and last paragraph filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).
6. Amendment of section heading, repealer of first paragraph and removal of first version of section 40501 (applicable to students entering the curriculum prior to the commencement of the 1981–82 academic year) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40502. Bachelor of Education Degree.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment of subsections (b)(1) and (b)(3) filed 3–22–68; designated effective 9–1–69 (Register 68, No. 12).
2. Amendment of subsection (c) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
5. Repealer filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12). For prior history, see Register 80, No. 51.

§ 40503. Bachelor of Vocational Education Degree.

(a) Eligibility for Candidacy. Eligible candidates for this degree shall be limited to those vocational teachers recommended by the Board of Examiners for Vocational Teachers and who meet the requirements established in the Education Code.

(b) Educational Program. The educational program for each applicant shall be determined by the campus in terms of the needs of the individual

applicant and the standards of the institution. A rigid pattern of subjects, and prerequisites except as they may be necessary to advanced courses, will not be required.

(c) Requirements. An applicant for the degree who elects, pursuant to Section 40401, to meet graduation requirements established prior to the 2000–01 academic year shall have completed, with a grade point average of 2.0 (grade C) or better, except that only those courses in which a letter grade (A, B, C, D, F) is assigned shall be used in computing the grade point average, a course of 124 semester units, including the credits recommended by the Board of Examiners, and shall have met the General Education–Breadth Requirements prescribed in Sections 40405–40405.4. Each applicant meeting graduation requirements established during or after the 2000–01 academic year shall have completed at least 120 semester units, including the credits recommended by the Board of Examiners, and shall have met the General Education–Breadth Requirements prescribed in Sections 40405–40405.4. The applicant shall have achieved a grade point average of 2.0 or better in those courses in which a letter grade (A, B, C, D, F) was assigned.

(d) Major in Vocational Education. The credits recommended by the Board of Examiners for Vocational Teachers for the applicant's occupational, managerial and supervisory experience shall be applied toward a major in vocational education.

(e) Credit for Vocational Teacher Training. The vocational teacher training completed by the applicant may be used toward a minor in education or toward electives if some other minor is used.

NOTE: Authority cited: Section 89030, Education Code. Reference: Sections 89030 and 89221–89223, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsection (c) filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).
4. Amendment of section heading, repealer of first paragraph, amendment of subsection (b) and NOTE, and removal of first version of section 40503 (applicable to students entering the curriculum prior to the commencement of the 1981–82 academic year) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40504. The Master's Degree.

HISTORY

1. Repealer filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 74, No. 30).

§ 40505. Bachelor of Architecture Degree: Required Curriculum.

To be eligible for the Bachelor of Architecture degree, the candidate shall have completed the following requirements:

(a) General Education–Breadth Requirements. The courses in General Education–Breadth Requirements shall be distributed in the manner prescribed in Sections 40405–40405.4.

(b) Major ..... 45 semester units. The major shall consist of a minimum of 45 semester units. At least 27 semester units in the major shall be in upper division courses or their equivalent. The maximum number of units shall be determined by each campus.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000–01 academic year, the total semester units required for the Bachelor of Architecture degree shall be 165 to 175 semester units. For candidates for the Bachelor of Architecture degree who are meeting graduation requirements established during or after the 2000–01 academic year, a minimum of 120 semester units shall be required. The total number of units required for the Bachelor of Architecture degree shall be distributed over a ten–semester period or equivalent.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of section heading and NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsections (a) and (b) filed 8–11–82; effective thirtieth day thereafter (Register 82, No. 33).
4. Amendment of subsection (a) and NOTE filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
5. Amendment of subsection (c) filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).
6. Amendment of section heading, repealer of first paragraph and removal of first version of section 40505 (applicable to students entering the curriculum prior to the commencement of the 1981–82 academic year) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40506. Bachelor of Music Degree and Bachelor of Fine Arts Degree: Required Curriculum.

To be eligible for either the Bachelor of Music degree or the Bachelor of Fine Arts degree, the candidate shall have completed the following requirements:

(a) General Education–Breadth Requirements. The courses in General Education–Breadth Requirements shall be distributed in the manner prescribed in Sections 40405–40405.4.

(b) Major—70 semester units. The major shall consist of a maximum of 70 semester units with at least one–fourth of these units devoted to theory and content as distinguished from studio, production, and performance.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000–01 academic year, the total semester units required for the Bachelor of Music degree and the Bachelor of Fine Arts degree shall be 132 semester units. For candidates for the Bachelor of Music degree and the Bachelor of Fine Arts degree who are meeting graduation requirements established during or after the 2000–01 academic year, a minimum of 120 semester units shall be required.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsection (a) and NOTE filed 9–16–91; operative 10–16–91 (Register 92, No. 2).
4. Amendment of subsection (c) filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).
5. Amendment of section heading, repealer of first paragraph and removal of first version of section 40506 (applicable to students entering the curriculum prior to the commencement of the 1981–82 academic year) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40507. Bachelor of Landscape Architecture: Required Curriculum.

To be eligible for the Bachelor of Landscape Architecture degree, the candidate shall have completed the following requirements:

(a) General Education–Breadth Requirements. The courses in General Education–Breadth Requirements shall be distributed in the manner prescribed in Sections 40405–40405.4.

(b) Major ..... 45 semester units.

The major shall consist of a minimum of 45 semester units, exclusive of those courses used to meet the General Education–Breadth Requirements. At least 27 units in the major shall be in upper division courses or their equivalent. The maximum number of units shall be determined by each campus.

(c) Total. For candidates electing, pursuant to Section 40401, to meet graduation requirements established prior to the 2000–01 academic year, the total semester units required for the Bachelor of Landscape Architecture degree shall be 155 to 165 semester units. For candidates for the

Bachelor of Landscape Architecture degree who are meeting graduation requirements established during or after the 2000–01 academic year, a minimum of 120 semester units shall be required. The total number of units required for the Bachelor of Landscape Architecture degree shall be distributed over a ten–semester period or equivalent.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 5–4–92; operative 6–3–92 (Register 92, No. 19).
2. Amendment of subsection (c) filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).

§ 40508. The Bachelor's Degree: Total Units.

Each campus shall establish and maintain a monitoring system to ensure that justification is provided for all program requirements that extend the baccalaureate unit requirement beyond 120 units.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).

Article 7. Graduate Degrees

§ 40510. The Master's Degree.

To be eligible for the Master's degree, the candidate shall have completed the following minimum requirements:

(a) Advancement to Candidacy. For advancement to candidacy for the Master's degree, the applicant shall meet the requirements of Section 41011, and such particular requirements as the Chancellor and the campus may prescribe.

(b) Requirements for the Degree.

(1) The completion of a specified pattern of study approved by the appropriate campus authority.

(2) A minimum of thirty semester units of approved graduate work completed within a maximum time to be established by each campus. Such maximum time shall be no more than seven years nor less than five years for each particular program. An extension of time beyond the limit may be granted by appropriate campus authority if warranted by individual circumstances and if the outdated work is validated by examination, in the relevant additional course or subject field of work or such other demonstration of competence as may be prescribed. In the degree program:

(A) Not less than 21 semester units (32 quarter units) shall be completed in residence. The appropriate campus authority may authorize the substitution of credit earned by alternate means for a part of this residence requirement.

(B) Not less than one–half of the units required for the degree shall be in courses organized primarily for graduate students.

(C) Not more than six semester units shall be allowed for a thesis or project.

(3) Satisfactory completion of a thesis, project, or comprehensive examination, defined as follows:

(A) A thesis is the written product of a systematic study of a significant problem. It identifies the problem, states the major assumptions, explains the significance of the undertaking, sets forth the sources for and methods of gathering information, analyzes the data, and offers a conclusion or recommendation. The finished product evidences originality, critical and independent thinking, appropriate organization and format, and thorough documentation. Normally, an oral defense of the thesis is required.

(B) A project is a significant undertaking appropriate to the fine and applied arts or to professional fields. It evidences originality and independent thinking, appropriate form and organization, and a rationale. It is described and summarized in a written abstract that includes the project's significance, objectives, methodology and a conclusion or recommendation. An oral defense of the project may be required.

(C) A comprehensive examination is an assessment of the student's ability to integrate the knowledge of the area, show critical and independent thinking, and demonstrate mastery of the subject matter. The results of the examination evidences independent thinking, appropriate organization, critical analysis and accuracy of documentation. A record of the examination questions and responses shall be maintained in accordance with the records retention policy of The California State University.

(4) A grade point average of 3.0 (grade of B) or better in all courses taken to satisfy the requirements for the degree, except that a course in which no letter grade is assigned shall not be used in computing the grade point average.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New Article 7 (Section 40510) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 1–12–83; effective thirtieth day thereafter (Register 83, No. 3).

§ 40511. The Doctor of Education Degree.

(a) A California State University program leading to a Doctor of Education degree shall be distinguished from a University of California doctoral degree program by its conformity with the following criteria:

(1) the program shall prepare administrative leaders for possible service in one of the following settings:

(A) public elementary and secondary schools, or

(B) community colleges;

(2) the program shall focus on the knowledge and skills needed by administrators to be effective leaders in California public schools and community colleges;

(3) the program shall be offered through partnerships in which California public elementary and secondary schools and community colleges, as appropriate, shall participate substantively in program design, candidate recruitment and admissions, teaching, dissertation development, and program assessment and evaluation; and

(4) the program shall enable professionals to earn the degree while working full time.

(b) Each campus offering a program leading to a Doctor of Education degree shall establish requirements for admission to the program. The requirements for admission shall include, at a minimum, the requirements stated in Section 41020.

(c) The program leading to the Doctor of Education degree shall conform to the following specifications:

(1) The curriculum shall be organized as a cohort–based program and shall include learning experiences that balance research, theory, and practice, including field experiences. The core curriculum shall provide professional preparation for leadership, including but not limited to theory and research methods, the structure and culture of education, and leadership in curriculum and instruction, equity, and assessment.

(2) The pattern of study shall be composed of at least 60 semester units earned in graduate standing. At least 48 semester units required for the degree shall be in courses organized primarily for doctoral students, and the remaining units required for the degree shall be in courses organized primarily for doctoral students or courses organized primarily for master's and doctoral students.

(3) At least 42 semester units shall be completed in residence at the campus or campuses awarding the degree. The appropriate campus authority may authorize the substitution of credit earned by alternate means for part of this residence requirement. The campus may establish a transfer policy allowing application to degree requirements of relevant coursework and credits completed as a matriculated student in another graduate program, on the condition that the other program is appropriately accredited.

(4) A qualifying examination shall be required.

(5) The pattern of study shall include completion of a dissertation.

(A) The dissertation shall be the written product of systematic, rigorous research on a significant professional issue. The dissertation is expected to contribute to an improvement in professional practices or policy. It shall evidence originality, critical and independent thinking, appropriate form and organization, and a rationale.

(B) The dissertation shall identify the research problem and question(s), state the major theoretical perspectives, explain the significance of the undertaking, relate it to the relevant scholarly and professional literature, set forth the appropriate sources for and methods of gathering and analyzing the data, and offer a conclusion or recommendation. It shall include a written abstract that summarizes the significance of the work, objectives, methodology, and a conclusion or recommendation.

(C) No more than 12 semester units shall be allowed for a dissertation.

(D) An oral defense of the dissertation shall be required.

(d) Each campus shall create and distribute to all students enrolled in a Doctor of Education degree program a student manual or handbook detailing, at a minimum, the following:

(1) requirements for admission with classified standing;

(2) policies on the transfer of credit earned at other institutions;

(3) policies on professional ethics and academic integrity;

(4) policies on student fees;

(5) provisions for advising and mentoring;

(6) policies and procedures for petitioning for a variance in academic requirements;

(7) policies and procedures for obtaining a leave of absence or for withdrawing from the university;

(8) policies and procedures regarding student grievances;

(9) policies on harassment and discrimination;

(10) policies and procedures for establishing and amending a plan of study;

(11) requirements for satisfactory progress in the program;

(12) policies on academic probation;

(13) requirements for field experience embedded in the program;

(14) requirements for advancement to candidacy;

(15) policies and procedures for the formation of a committee for administering a qualifying examination (if the qualifying examination is unique to the individual student);

(16) dissertation requirements;

(17) policies and procedures for the formation of a committee for supervising a dissertation;

(18) forms to be completed by students in the course of the degree program;

(19) the names and areas of expertise of faculty members affiliated with the degree program.

NOTE: Authority cited: Sections 66600, 66040.3, 89030 and 89035, Education Code. Reference: Sections 66040.3, 66600 and 89030, Education Code.

HISTORY

1. New section filed 7-27-2006; operative 7-27-2006. Submitted to OAL for printing only (Register 2006, No. 37).

§ 40512. The Doctor of Education Degree: Requirements.

(a) Advancement to Candidacy. For advancement to candidacy for the Doctor of Education degree, the student shall have achieved classified graduate standing and met such particular requirements as the Chancellor and the appropriate campus authority may prescribe. The requirements shall include a qualifying examination.

(b) To be eligible for the Doctor of Education degree, the candidate shall have completed a pattern of study, including a dissertation, that is consistent with the specifications in subdivision (c) of Section 40511 and that is approved by the appropriate campus authority. A grade point average of 3.0 (grade of B) or better shall have been earned in coursework taken to satisfy the requirements for the degree, except that a course in which no letter grade is assigned shall not be used in computing the grade point average.

(c) The student shall have completed all requirements for the degree within five years of achieving classified standing in the doctoral program. The appropriate campus authority may extend the time for completion of the requirements if:

(1) the extension is warranted by individual circumstances, and

(2) the student demonstrates current knowledge of research and practice in educational leadership, as required by the campus.

NOTE: Authority cited: Sections 66600, 66040.3, 89030 and 89035, Education Code. Reference: Sections 66040.3, 66600 and 89030, Education Code.

HISTORY

1. New section filed 7-27-2006; operative 7-27-2006. Submitted to OAL for printing only (Register 2006, No. 37).

Article 8. Integrated Teacher Preparation Programs

§ 40520. Definition.

The term "integrated teacher preparation program" means a curriculum (a) that incorporates general education, a major, subject-matter preparation for teaching in elementary and/or secondary schools, professional preparation for teaching in elementary and/or secondary schools, and any other graduation requirements, and (b) in which students make progress concurrently toward a baccalaureate degree and a recommendation for a preliminary basic teaching credential, given satisfactory completion of the requirements for each. The components of an integrated teacher preparation program (*i.e.*, general education, a major, subject-matter preparation for teaching in elementary and/or secondary schools, professional preparation for teaching in elementary and/or secondary schools, and any other graduation requirements) need not be mutually exclusive. An individual course within an integrated teacher preparation program may contribute to completion of more than one of these components.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New article 8 (sections 40520-40523) and section filed 9-22-2003; operative 9-22-2003. Submitted to OAL for printing only (Register 2003, No. 47).

§ 40521. Total Unit Requirements.

For completion of an integrated teacher preparation program, at least 120 semester units but no more than 135 semester units shall be required. The Chancellor may grant exceptions to the upper limit of 135 units on requirements for completion of an integrated teacher preparation program if the campus that will offer the program requests the exception and provides an adequate justification. Procedures for requesting, reviewing, and granting these exceptions shall be developed by the Chancellor, in consultation with the Academic Senate of the California State University.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 9-22-2003; operative 9-22-2003. Submitted to OAL for printing only (Register 2003, No. 47).

§ 40522. Guidelines for Establishment of Campus Requirements.

The Chancellor, in consultation with the Academic Senate of the California State University, shall establish guidelines for the identification and integration of lower-division and upper-division general education, subject-matter preparation, and professional preparation in integrated teacher preparation programs. The guidelines may include recommendations for unit requirements for each of these components. The consultation shall include California State University faculty members and administrators from campus academic units providing programs of professional preparation approved by the California Commission on Teaching Credentialing and from campus academic units providing programs of subject matter preparation approved by the California Commission on Teaching Credentialing. The consultation shall also include the California Community Colleges.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 9–22–2003; operative 9–22–2003. Submitted to OAL for printing only (Register 2003, No. 47).

§ 40523. Articulation with California Community Colleges.

For students admitted to integrated teacher preparation programs, units earned in community college courses that are articulated with courses fulfilling integrated teacher preparation program requirements shall not be subject to the limitation imposed by subsection (b) of section 40409.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 9–22–2003; operative 9–22–2003. Submitted to OAL for printing only (Register 2003, No. 47).

Article 9. Lower–Division Transfer Patterns by Major

§ 40530. Definitions.

(a) The term "systemwide lower–division transfer pattern by major" means a set of lower–division curricular specifications comprising at least 45 semester units but no more than 60 semester units that will be accepted at every CSU campus offering a program leading to that degree and major. Each unit that a student completes in the systemwide lower–division transfer pattern by major reduces by one unit the total number of units that the student must complete to earn that degree with that major. A systemwide lower–division transfer pattern by major will ordinarily include courses that fulfill General Education–Breadth or Intersegmental General Education Transfer Curriculum requirements; United States History, Constitution, and American Ideals requirements; and major–specific, lower–division requirements. A course in a systemwide lower–division transfer pattern by major may contribute to completion of more than one requirement.

(b) The term "campus–specific lower–division transfer pattern by major" means a set of lower–division curricular specifications beyond the systemwide lower–division transfer pattern by major, comprising units that will be accepted at a particular CSU campus offering a program leading to that degree and major. Each unit that a student completes in the campus–specific lower–division transfer pattern by major reduces by one unit the total number of units that the student must complete to earn that degree with that major.

(c) For purposes of this article, majors are distinguished by the CSU program code assigned to them and the degrees to which they lead.

(d) For purposes of this article, a major will be considered high–priority if it meets criteria established by the Chancellor. In establishing criteria, the Chancellor shall consider (1) the number of CSU campuses at which the major is offered and (2) the proportion of the undergraduate student body enrolled in the major at the CSU campuses offering that major.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New article 9 (sections 40530–40532) and section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40531. Development of Systemwide Lower–Division Transfer Patterns by Major.

(a) A systemwide lower–division transfer pattern by major shall be established for each high–priority major. The Chancellor, in consultation with the Academic Senate of the California State University, shall develop procedures for establishing systemwide lower–division transfer patterns by major. The procedures shall include extensive participation of faculty members in the major. The procedures shall encourage the development of systemwide lower–division transfer patterns by major that are consistent with, but not necessarily identical to, the recommended lower–division course–taking patterns of CSU first–time freshmen.

(b) If a degree and major frequently incorporate options or concentrations that would individually meet the criteria established for high–priority majors, the procedures shall allow for the development of a distinct systemwide lower–division transfer pattern by major for each of those common options or concentrations.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40532. Development of Campus–Specific Lower–Division Transfer Patterns by Major.

Each CSU campus shall develop a campus–specific lower–division transfer pattern by major for each high–priority major it offers. The number of semester units in the systemwide lower–division transfer pattern by major plus the number of semester units in the campus–specific lower–division transfer pattern by major shall be no fewer than 60 and no more than 70. The procedures shall encourage the development of campus–specific lower–division transfer patterns by major that, in combination with the corresponding systemwide lower–division transfer patterns by major, are consistent with, but not necessarily identical to, the recommended lower–division course–taking patterns of CSU first–time freshmen.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Subchapter 3. Admission Requirements

Article 1. Construction and Definitions

§ 40600. Tenses, Gender and Number.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Repealer of former #S #S 40601 and 40602, and renumbering of #S #S 40600 and 40600.1 of former Article 1 to #S #S 40650 and 40651, respectively, and new Article 1 (#S #S 40600–40601), filed 1–27–65; effective thirtieth day thereafter (Register 65, No. 2). For history of former Articles 1 and 2, see Registers 63, No. 24, and 64, No. 18.
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Repealer filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40601. Particular Terms.

The following terms, whenever used or referred to in this subchapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) The term "Chancellor" means the Chancellor of the California State University or designee.

(b) The term "the campus" means the campus to which application for admission is made.

(c) The term "appropriate campus authority" means the president of the campus or designee.

(d) The term "college" means:

(1) Any institution of higher learning which is accredited to offer work leading to the degree of Bachelor of Arts or to the degree of Bachelor of Science, by the applicable regional accrediting agency recognized by the United States Department of Education, except an institution which is accredited only as a "specialized institution";

(2) Any foreign institution of higher learning which, in the judgment of the Chancellor, offers course work equivalent to that offered by institutions included within subdivision (d)(1) of this section.

(e) The term "application" means the submission to the campus by the person applying for admission of all documents including official transcripts of all the applicants academic records and information which the applicant is required to personally submit, and the payment of any application fee due pursuant to Section 41800.1.

(f) The term "eligibility index" means:

(1) For admissions prior to fall term 2004, that number derived from a weighted combination of the grade point average for the final three years of high school or of the grade point average for the final three years of high school excluding the final year or final term thereof, and in any case excluding courses in physical education and military science, and the score on either the American College Test or the Scholastic Aptitude Test pursuant to Section 40752 or Section 40802; such weighing of grade point averages and test scores shall be determined and adjusted by the chancellor on the basis of the probability of academic success in the California State University.

(2) For admissions commencing with fall term 2004, that number derived from a weighted combination of the grade point average for courses taken in the comprehensive pattern of college preparatory subjects during the final three years of high school and the score on either the American College Test or the Scholastic Aptitude Test pursuant to Section 40752 or Section 40802; such weighing of grade point averages and test scores shall be determined and adjusted by the chancellor on the basis of the probability of academic success in the California State University.

(g) The term "good standing at the last college attended" means that at the time of application for admission and at the time of admission, the applicant was not under disciplinary or academic suspension, dismissal, expulsion or similar action by the last college attended and was not under disciplinary suspension, dismissal, expulsion or similar action at any institution of The California State University.

(h) The term "first-time freshman" means an applicant who has earned college credit not later than the end of the summer immediately following high school graduation or an applicant who has not earned any college credit.

(i) The term "undergraduate transfer" means any person who is not a first-time freshman pursuant to Section 40601(h), and who does not hold a baccalaureate degree from any college.

(j) The term "full-time student" means any student whose program while in attendance at a college averaged twelve or more semester units per semester, or the equivalent.

(k) The term "resident" shall have the same meaning as does the same term in Section 68017 of the Education Code, and shall include all persons so treated by the provisions of that section.

(*l*) The term "unit" means a semester unit within the meaning of Section 40103, or the equivalent thereof.

(m) The term "transferable" when used in connection with college units, college credit or college work, shall mean those college units, credit or work which are determined to be acceptable (either for specific requirements or as electives) toward meeting the requirements of a baccalaureate degree. The Chancellor is authorized to establish and from time to time to revise procedures for the implementation of this subdivision.

(n) For admissions prior to fall term 2003, the term "comprehensive pattern of college preparatory subjects" means four years of English, three years of mathematics, one year of United States history or United States history and government, one year of laboratory science, two years of foreign language, one year of visual and performing arts, and three years of electives from any combination of English, mathematics, social science, history, laboratory science, foreign language, visual and performing arts, and other fields of study determined by the Chancellor to be appropriate preparation for California State University study.

(o) Commencing with admissions for the fall term 2003, the term "comprehensive pattern of college preparatory subjects" means, in each area of study, at least four years of English, three years of mathematics, two years of history or social science, two years of laboratory science, two years of foreign language, one year of visual and performing arts, and one year of electives from any combination of English, mathematics, social science, history, laboratory science, foreign language, visual and performing arts, and other fields of study determined by the Chancellor to be appropriate preparation for California State University study.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment of subsection (l) and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 73, No. 25.
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12). For prior history, see Register 77, No. 18.
3. Amendment of subsection (f) filed 12–11–85; effective thirtieth day thereafter (Register 85, No. 50).
4. Amendment of subsections (a) and (g) and new subsection (n) filed 9–3–87; operative 10–3–87 (Register 87, No. 36).
5. Amendment of subsection (n) and new subsection (o) filed 9–21–99; operative 10–21–99. Submitted to OAL for printing only (Register 2000, No. 29).
6. Amendment of subsection (f), new subsections (f)(1)–(2) and amendment of subsections (h)–(i) filed 10–4–2000; operative 10–4–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 48).

Article 2. Establishment of Enrollment

§ 40650. Establishment of Enrollment Quotas.

(a) Capacity. Admission to a campus shall be limited on the bases of authorized academic plans and programs, and the number of students for whom facilities and competent staff are available to provide opportunity for an adequate college education. Under the policy direction of the Board of Trustees, the Chancellor is authorized to provide for the establishment of enrollment quotas for the California State University and any campus, for any of the following enrollment categories: academic area, class level, program, and student residence status. In establishing such quotas, primary emphasis shall be placed upon the allocation of resources at the upper division level in order to facilitate the accommodation of California public Community College transfers.

(b) Diversion. Enrollment may also be limited for purposes of diversion of students pursuant to specific determinations of the Board of Trustees. Under the policy direction of the Board of Trustees, the Chancellor shall take all measures necessary to accomplish such diversion of students.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsection (a) filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40651. Administrative Procedures.

(a) Upon establishment of enrollment quotas for any campus pursuant to Section 40650 of this Article, admission of students otherwise qualified shall be within such quotas with the objective of providing maximum opportunity and appropriate diversity among students.

(b) In determinations of priority for admission:

(1) The policy of the State that students who begin their higher education in California public Community Colleges be able to continue their education without interruption, shall be considered.

(2) The following factors may be considered:

(A) Previous enrollment at the campus;

(B) The applicant's degree or credential objective;

(C) Whether the applicant has completed military or other national service;

(D) Geographical proximity to the campus where the distance involved in attending another institution would create a hardship;

(E) Access to suitable educational alternatives;

(F) The date the application is filed (an application shall be considered filed as of the date it is postmarked, filed electronically, or personally delivered to the office on campus designated for such purpose);

(G) The needs of the campus in maintaining a balanced program with respect to foreign students, out-of-state students, recipients of scholarships and awards, and with respect to students who would make a significant contribution to the campus because of their background or special abilities.

(3) Applicants who complete successfully a systemwide lower-division transfer pattern by major and the campus-specific lower-division transfer pattern for that major, as defined in Section 40530, shall be accorded the highest priority for admission as undergraduate transfers to that campus and major. "Highest priority" as used herein means a guarantee of admission subject to enrollment demand, available space, and satisfactory completion of any impaction criteria for that campus and major.

(c) The Board of Trustees may, by resolution, establish particular policies for the implementation of priorities authorized by this Section. The Chancellor shall establish methods of determining priorities to be applied by each campus within the provisions of this Section, including any implementing resolutions adopted by the Board of Trustees. In addition, the Chancellor is authorized to establish criteria for use in admission to impacted programs.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66202, 66600 and 89030, Education Code.

HISTORY

1. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 73, No. 6.
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsection (b)(2)(F) and new subsection (b)(3) filed 7-19-2004; operative 7-19-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 3. Matriculation

§ 40700. Matriculation.

Any student enrolling in any term, other than extension or as an auditor without credit, shall meet the standards for admission outlined in this subchapter.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Former Article 3 (#S #S 40800 through 40802) repealer filed and renumbering of former Article 2 (#S 40700) to new Article 3 filed 1-27-65; effective thirtieth day thereafter (Register 65, No. 2). For history of former Article 3, see Register 63, No. 3.
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of section and NOTE filed 8-7-2001; operative 8-7-2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2001, No. 40).

§ 40701. Summer Early Entrant.

Any student admitted to a fall term may be enrolled in the immediately preceding summer term as a summer early entrant. Summer early entrant students will be regarded as matriculated when they enroll in the fall term for which they have been formally admitted.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 8-7-2001; operative 8-7-2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2001, No. 40).

Article 4. Admission As First-Time Freshman

§ 40750. Scope of Article.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Former Article 4 (#S #S 40900-40904) repealed and new Article 4 (#S #S 40750-40759) filed 1-27-65; effective thirtieth day thereafter (Register 65, No. 2).
2. Amendment of section and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Repealer filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40751. Alternative Bases for Admission.

An applicant may be admitted to a campus as a first-time freshman only upon satisfaction of the requirements of Section 40752 and of any of the following sections of this Article: 40753, 40754, 40755, 40756, 40757, 40758, 40759.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40752. Entrance Examination Required.

An applicant for admission to a campus as a first-time freshman, except applicants who are admissible as first-time freshmen, pursuant to Section 40755, or high school students pursuant to Section 40758, shall be required to submit, or to have submitted on his or her behalf a score on the American College Test or the Scholastic Aptitude Test. However, the appropriate campus authority may exempt an applicant from the requirement when the test score is not a factor in determining admission eligibility.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).
3. Amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40752.1. English Language Examination.

To be admitted to a campus as a first time freshman, an applicant who has not attended for at least three years an educational institution at the secondary level or beyond where English is the principal language of instruction must receive a minimum score of 500 on the Test of English as a Foreign Language (TOEFL). Appropriate campus authority may prescribe a higher minimum score, based on such campus factors as the nature of the instruction offered, availability of instruction in English as a second language, student enrollment demand, and availability of funds. Achieving the minimum score shall be evidence of the applicant's English competency at a level which will allow the applicant to participate satisfactorily in and benefit from university study. Exceptions may be granted by the appropriate campus authority when there is convincing evidence that the applicant's competence in English is at a level which will allow satisfactory participation in and benefit from university study.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 1-12-83; effective thirtieth day thereafter (Register 83, No. 3).

§ 40753. Applicants Who Are California Residents or Graduates of a California High School.

(a) A graduate of a California high school or a high school graduate who is a resident may be admitted to a campus as a first-time freshman if

(1) the graduate's eligibility index is equal to or greater than that minimum eligibility index, as determined by the Chancellor, required to limit eligibility to that one-third of California high school graduates which has the greatest probability of academic success in the California State University, and

(2) for admissions prior to fall term 2003, the graduate has completed satisfactorily a comprehensive pattern of college preparatory subjects to include four years of English, three years of mathematics, one year of United States history or United States history and government, one year of laboratory science, two years of foreign language, one year of visual and performing arts, and three years of electives from any combination of English, mathematics, social science, history, laboratory science, foreign language, visual and performing arts, and other fields of study determined by the Chancellor to be appropriate preparation for California State University study. A graduate who qualifies for admission under subdivision (a)(1) and who has completed at least ten of the courses in the comprehensive pattern of this subdivision may be admitted on condition that the graduate completes the work identified by the Chancellor or designee at the time of the graduate's admission as necessary to remove the coursework deficiency within the first two years of the graduate's baccalaureate studies. The Chancellor shall implement the comprehensive pattern of college preparatory subject requirements and in so implementing shall make every effort to avoid undue hardship during the phasing in of these requirements and shall determine satisfactory completion of the requirements and may grant exceptions for preparation determined by the Chancellor to be equivalent.

(3) commencing with admissions for the fall term 2003, the graduate has completed satisfactorily the comprehensive pattern of college preparatory subjects defined in Section 40601. The Chancellor shall implement the comprehensive pattern of college preparatory subject requirements and in so implementing shall make every effort to avoid undue hardship during the phasing in of these requirements and shall determine satisfactory completion of the requirements and may grant exceptions for preparation determined by the Chancellor to be equivalent.

(b) This section shall not apply to an applicant who is eligible for admission as a first-time freshman pursuant to Section 40755.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment of subsection (a) filed 8-22-72, effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8-6-82; effective thirtieth day thereafter (Register 82, No. 32).
4. Amendment of subsection (a) filed 11-18-86; effective thirtieth day thereafter. New provisions become operative as stated in subsection (a) (2). (Register 86, No.47).
5. Amendment of subsection (a)(2) and new subsection (a)(3) filed 9-21-99; operative 10-21-99. Submitted to OAL for printing only (Register 2000, No. 29).

§ 40754. Applicants Who Are Neither California Residents nor Graduates of a California High School.

(a) A high school graduate who is neither a resident nor a graduate of a California high school may be admitted to a campus as a first-time freshman if

(1) the graduate's eligibility index is equal to or greater than that minimum eligibility index, as determined by the Chancellor, which is required to limit eligibility to that on-sixth of California high school graduates which has the greatest probability of academic success in the California State University, and

(2) for admissions prior to fall term 2003, the graduate has completed satisfactorily a comprehensive pattern of college preparatory subjects to include four years of English, three years of mathematics, one year of United States history or United States history and government, one year of laboratory science, two years of foreign language, one year of visual and performing arts, and three years of electives from any combination of English, mathematics, social science, history, laboratory science, foreign language, visual and performing arts, and other fields of study determined by the Chancellor to be appropriate preparation for California State University study. A graduate who qualifies for admission under subdivision (a)(1) and who has completed at least ten of the courses in the comprehensive pattern of this subdivision may be admitted on condition that the graduate completes the work identified by the Chancellor or designee at the time of the graduate's admission as necessary to remove the coursework deficiency within the first two years of the graduate's baccalaureate studies. The Chancellor shall implement the comprehensive pattern of college preparatory subject requirements and in so implementing shall make every effort to avoid undue hardship during the phasing in of these requirements and shall determine satisfactory completion of the requirements and may grant exceptions for preparation determined by the Chancellor to be equivalent.

(3) commencing with admissions for the fall term 2003, the graduate has completed satisfactorily the comprehensive pattern of college preparatory subjects pursuant to Section 40601. The Chancellor shall implement the comprehensive pattern of college preparatory subject requirements and in so implementing shall make every effort to avoid undue hardship during the phasing in of these requirements and shall determine satisfactory completion of the requirements and may grant exceptions for preparation determined by the Chancellor to be equivalent.

(b) This section shall not apply to an applicant who is eligible for admission as a first-time freshman pursuant to Section 40755.

NOTE: Authority cited: Section 89030, Education Code Reference: Section 89030, Education Code.

HISTORY

1. Amendment of subsection (a) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8-6-82; effective thirtieth day thereafter (Register 82, No. 32).
4. Amendment of subsection (a) filed 11-18-86; effective thirtieth day thereafter. New provisions become operative as stated in subsection (a)(2) (Register 86, No.47).
5. Amendment of subsection (a)(2) and new subsection (a)(3) filed 9-21-99; operative 10-21-99. Submitted to OAL for printing only (Register 2000, No. 29).

§ 40755. Graduates of Secondary Schools, etc., in a Foreign Country.

An applicant who is a graduate of a secondary school in a foreign country or who has equivalent preparation in a foreign country, may be admitted to a campus as a first-time freshman if the applicant's preparation and ability are such that in the judgment of the appropriate campus authority, the probability of the applicant's academic success at the campus is equivalent to that of students eligible under Section 40753.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40756. Adult Students.

An applicant who has attained the age of 25 years and is a high school graduate may be admitted to a campus as an adult student if the applicant's preparation and ability are such that in the judgment of the appropriate campus authority, the probability of the applicant's academic success at the campus is equivalent to that of students eligible under Section 40753, and the applicant demonstrates competence in entry-level skills as defined in Section 40402.1.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66021, 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8-11-82; effective thirtieth day thereafter (Register 82, No. 33).

4. Amendment filed 10–4–2000; operative 10–4–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 48).

§ 40756.1. Veterans.

An applicant who is not otherwise eligible under the provisions of this Article may be admitted to a campus as a first–time freshman if the applicant is an "eligible veteran" as that term is defined in subdivision (a) (1) of Section 1652, Title 38, United States Code and if the applicant is a California resident. The Chancellor is authorized to establish and from time to time to revise procedures appropriate for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 12–13–71; effective thirtieth day thereafter (Register 71, No. 51).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40757. Admission to Curricula of Less Than Four Years in Length.

Campuses authorized to maintain curricula of less than four years in length may admit to such curricula students who meet admission requirements authorized in approval of the curricula by the Board of Trustees.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40758. High School Students.

A high school student may be admitted to a campus prior to graduation from high school for the purpose of enrolling in a special program, when the student is recommended for admission by the principal of the high school and the student's preparation and ability are such that in the judgment of the appropriate campus authority, the probability of the student's academic success at the campus is equivalent to that of students under Section 40753. Such admission is only for such special program.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40759. Early Admission.

Notwithstanding any other provision of this Subchapter; the Chancellor may, for the purpose of recognizing applicants whose high school academic achievement has been outstanding, authorize campuses to issue an early admission commitment to such applicants conditional upon earning the high school diploma or its equivalent. The Chancellor shall establish criteria for determining eligibility for such early admission commitment.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 10–18–79; effective thirtieth day thereafter (Register 79, No. 42). For prior history, see Registers 77, No. 51; 77, No. 18; 72, No. 35 and 68, No. 19.
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40760. Fee Waivers for California Residents Sixty Years of Age or Older.

(a) The Chancellor may approve the establishment of programs to waive or reduce certain registration and user fees for California residents who are 60 years of age or older on the date of residence determination, subject to the following conditions:

(1) Enrollment shall be limited to qualified persons who are residents, as defined by Education Code Section 68017, and are 60 years of age or older on the residence determination date;

(2) Persons enrolling in the program shall be registered last, after regular students have been registered for classes;

(3) No special classes limited to or designed particularly for senior citizens shall be established;

(4) Fee waivers authorized pursuant to this section shall not be in place of fee waivers for disadvantaged students.

(b) The Chancellor is authorized to approve the phase–in of programs under this section over not less than a three–year period commencing January 1, 1980, except that programs existing on July 1, 1979 may be continued as programs under this section.

(c) The Chancellor is authorized to establish such rules and procedures as may be necessary for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 10–18–79; effective thirtieth day thereafter (Register 79, No. 42).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 5. Admission As an Undergraduate Transfer

§ 40800. Scope of Article.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New Article 5 ("S" 40800 through 40807) filed 1–27–65; effective thirtieth day thereafter (Register 65, No. 2). Former Article 5 renumbered Article 6.
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Repealer filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40801. Alternative Bases for Admission.

An applicant may be admitted to a campus as an undergraduate transfer only upon satisfaction of the requirements of Section 40802 and of any of the following sections of this article: 40803, 40803.1, 40804, 40805, 40806, 40807.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40802. Entrance Examinations.

The appropriate campus authority shall determine whether or not entrance examinations shall be required of applicants for admission as undergraduate transfers for a particular semester or quarter. With respect to campuses at which such examinations are required, an applicant for admission as an undergraduate transfer shall be required to submit, or to have submitted on the applicant's behalf, his or her score on the American College Test or the Scholastic Aptitude Test, whichever is required by the president of the campus; provided, that any applicant who is redirected to a campus where such examinations are required, may submit, or have submitted on the applicant's behalf, to the campus to which the applicant is redirected, his or her score on the test required by the president of the campus from which the applicant was redirected; and provided further, that any applicant who is redirected to a campus at which such examinations are required from a campus at which they are not required, shall not be required to submit or to have submitted on the applicant's behalf, his or her score on such an examination.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 40802.1. English Language Examination.

To be admitted to a campus as an undergraduate transfer student, an applicant who has not attended for at least three years an educational institution at the secondary level or beyond where English is the principal language of instruction must receive a minimum score of 500 on the Test of English as a Foreign Language (TOEFL). Appropriate campus authority may prescribe a higher minimum score, based on such campus factors as the nature of the instruction offered, availability of instruction in English as a second language, student enrollment demand, and availability of funds. Achieving the minimum score shall be evidence of the applicant's English competency at a level which will allow the applicant to participate satisfactorily in and benefit from university study.Exceptions may be granted by the appropriate campus authority when there is convincing evidence that the applicant's competence in English is at a level which will allow satisfactory participation in and benefit from university study.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 1–12–83; effective thirtieth day thereafter (Register 83, No. 3).

§ 40803. Applicants Who Are California Residents and Who Have Completed the Prescribed Number of Units of College Credit.

(a) An applicant who is a resident of California may be admitted to a campus as an undergraduate transfer, upon satisfaction of the requirements of subdivisions (1), (2), and (4) or (1), (3), and (4), as appropriate:

(1) Commencing with admissions to the fall term 2000, the applicant has completed satisfactorily at least 30 semester (45 quarter) units in courses at a level at least equivalent to General Education–Breadth courses, including courses in written communication in the English language, oral communication in the English language, critical thinking, and mathematics and quantitative reasoning;

(2) For admission prior to fall term 2005, the applicant has attained a grade point average of 2.0 (grade of C) or better in at least 56 semester (84 quarter) units of transferable college credit;

(3) Commencing with admission to the fall term 2005, the applicant has attained a grade point average of 2.0 (grade of C) or better in at least 60 semester (90 quarter) units of transferable college credit;

(4) The applicant was in good standing at the last college attended.

(b) Commencing with admission to the fall term 2006, an applicant who has attended a California community college and who has committed to a major and campus of the California State University before earning more than 45 semester (68 quarter) units will receive the highest priority for admission to that campus and major if the applicant has completed successfully the systemwide lower–division transfer pattern for that major and the campus–specific lower–division transfer pattern for that major and campus, as defined in Section 40530. "Highest priority" as used herein means a guarantee of admission subject to enrollment demand, available space, and satisfactory completion of any impaction criteria for that campus and major.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Registers 72, No. 35 and 70, No. 8.
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8–4–83; effective thirtieth day thereafter (Register 83, No. 32.)
4. Amendment of subsections (a) and (b) filed 9–3–87; operative 10–3–87 (Register 87, No. 36).
5. Amendment of first paragraph and subsection (a), new subsection (b) and subsection relettering filed 9–21–99; operative 10–21–99. Submitted to OAL for printing only (Register 2000, No. 29).
6. Amendment of section heading and section filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).
7. Redesignation and amendment of first paragraph as subsection (a), redesignation of former subsections (a)–(d) as subsections (a)(1)–(a)(4) and new subsection (b) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40803.1. Applicants Who Are Not California Residents and Who Have Completed the Prescribed Number of Units of College Credit.

(a)An applicant who is not a resident of California may be admitted to a campus as an undergraduate transfer upon satisfaction of the requirements of subdivisions (1), (2), and (4) or (1), (3), and (4), as appropriate:

(1) Commencing with admission to the fall term 2000, the applicant has completed satisfactorily at least 30 semester (45 quarter) units in courses at a level at least equivalent to General Education–Breadth courses, including courses in written communication in the English language, oral communication in the English language, critical thinking, and mathematics and quantitative reasoning;

(2) For admission prior to fall term 2005, the applicant has completed at least 56 semester (84 quarter) units of transferable college credit and has attained a grade point average in all units of transferable college credit which places the applicant among the upper one–half of eligible California residents who are applicants for admission under Section 40803, the required minimum grade point average to be determined by the Chancellor;

(3) Commencing with admission to the fall term 2005, the applicant has attained a grade point average of 2.0 (grade of C) or better in at least 60 semester (90 quarter) units of transferable college credit and has attained a grade point average in all units of transferable college credit which places the applicant among the upper one–half of eligible California residents who are applicants for admission under, the required minimum Section 40803 grade point average to be determined by the Chancellor;

(4) The applicant was in good standing at the last college attended.

(b) Commencing with admission to the fall term 2006, an applicant who has attended a California community college and who has committed to a major and campus of the California State University before earning more than 45 semester (68 quarter) units will receive the highest priority for admission to that campus and major if the applicant has completed successfully the systemwide lower–division transfer pattern for that major and the campus–specific lower–division transfer pattern for that major and campus, as defined in Section 40530. "Highest priority" as used herein means a guarantee of admission subject to enrollment demand, available space, and satisfactory completion of any impaction criteria for that campus and major.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Registers 73, No. 35; 72, No. 35; 70, No. 8.
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8–4–83; effective thirtieth day thereafter (Register 83, No. 32.)
4. Amendment of subsections (a) and (b) filed 9–3–87; operative 10–3–87 (Register 87, No. 36).
5. Amendment of first paragraph and subsection (a), new subsection (b) and subsection relettering filed 9–21–99; operative 10–21–99. Submitted to OAL for printing only (Register 2000, No. 29).
6. Amendment of section heading and section filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).
7. Redesignation and amendment of first paragraph as subsection (a), redesignation of former subsections (a)–(d) as subsections (a)(1)–(a)(4) and new subsec-

tion (b) filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40804. Applicants Who Were Eligible for Admission As First–Time Freshmen and Who Have Completed Fewer Than the Prescribed Number of Units of College Credit.

An applicant who has completed fewer than 56 semester (84 quarter) units of college credit for admission prior to fall term 2005 and fewer than 60 semester (90 quarter) units of college credit commencing with admission to the fall 2005 term may be admitted to a campus as an undergraduate transfer upon satisfaction of the requirements of each of the following lettered subdivisions:

(a) The applicant was eligible for admission to a campus as a first–time freshman, either

(1) on the basis of the admission requirements in effect at the time of the application, other than the provisions of Sections 40757, 40758, 40900, or 40901, and including satisfactory completion of the comprehensive pattern of college preparatory subjects as defined in subsection (n) of Section 40601 or an alternative program determined by the Chancellor to be equivalent; or

(2) on the basis of the admission requirements in effect at the time of the applicant's graduation from high school, other than the provisions of Sections 40757, 40758, 40900, or 40901, including satisfactory completion of any college preparatory course requirements in effect at that time or an alternative program determined by the Chancellor to be equivalent, if the applicant has been in continuous attendance at a college since graduation;

(b) The applicant has attained a grade point average of 2.0 (grade of C) or better in all transferable college units attempted;

(c) The applicant was in good standing at the last college attended.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Registers 73, No. 25 and 72, No. 35.
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8–4–83; effective thirtieth day thereafter (Register 83, No. 32).
4. Amendment filed 9–3–87; operative 10–3–87 (Register 87, No. 36).
5. Amendment of section heading and first paragraph filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).

§ 40804.1. Applicants Who Were Ineligible for Admission As First–Time Freshmen for Failure to Meet Course Requirements and Who Have Completed Fewer Than the Prescribed Number of Units of College Credit.

An applicant who has completed fewer than 56 semester (84 quarter) units of college credit for admission prior to fall term 2005 and fewer than 60 semester (90 quarter) units of college credit commencing with admission to the fall 2005 term and who was not eligible for admission to a campus as a first–time freshman solely because of failure to complete satisfactorily the comprehensive pattern of college preparatory subjects defined in subdivision (n) of Section 40601 or an alternative program determined by the Chancellor to be equivalent may be admitted to a campus as an undergraduate transfer upon satisfaction of each of the following lettered subdivisions:

(a) Except for satisfactory completion of the comprehensive pattern of college preparatory subjects defined in subdivision (n) of Section 40601 or an acceptable alternative program, the applicant who was eligible for admission to a campus as a first–time freshman, either

(1) on the basis of the admission requirements in effect at the time of the application, other than the provisions of Sections 40757, 40758, 40900, or 40901; or

(2) on the basis of the admission requirements in effect at the time of the applicant's graduation from high school, other than the provisions of Sections 40757, 40758, 40900, or 40901, if the applicant has been in continuous attendance at a college since graduation;

(b) Subsequent to high school graduation, the applicant has completed satisfactorily whatever college preparatory course requirements were in effect at the time of the applicant's graduation from high school, or an alternative program determined by the Chancellor to be equivalent;

(c) The applicant has attained a grade point average of 2.0 (a grade of C) or better in all transferable college units attempted;

(d) The applicant was in good standing at the last college attended.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 8–4–83; effective thirtieth day thereafter (Register 83, No. 32).
2. Amendment filed 9–3–87; operative 10–3–87 (Register 87, No. 36).
3. Amendment of section heading and first paragraph filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).

§ 40805. Applicants with Particular Majors.

An applicant not eligible under Section 40804 or 40804.1 may be admitted to a campus as an undergraduate transfer upon satisfaction of the requirements of each of the following subdivisions:

(a) The applicant has completed satisfactorily the comprehensive pattern of college preparatory subjects defined in subsection (n) of Section 40601 or an alternative program determined by the Chancellor to be equivalent;

(b) The degree objective is such that at least 56 semester (84 quarter) units for admission prior to fall term 2005 and at least 60 semester (90 quarter) units commencing with admission to the fall 2005 term, or the equivalent, of appropriate course work are not offered at the college from which the applicant seeks to transfer;

(c) The applicant has completed that portion of the curricular program required by the campus for the degree objective, as is offered at the college from which the applicant seeks to transfer;

(d) The applicant has attained a grade point average of 2.0 (grade of C) or better in all transferable college work attempted;

(e) The applicant was in good standing at the last college attended.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Registers 73, No. 25 and 72, No. 35.
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 8–4–83; effective thirtieth day thereafter (Register 83, No. 32).
4. Amendment of subsection (a) filed 9–3–87; operative 10–3–87 (Register 87, No. 36).
5. Amendment of subsection (b) filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).

§ 40805.1. Veterans.

An applicant who is not eligible for admission as a first–time freshman on the basis of the admission requirements in effect at the time of application for admission as an undergraduate transfer, who has not completed 56 semester (84 quarter) units of college credit for admission prior to fall term 2005 and 60 semester (90 quarter) units of college credit commencing with admission to the fall 2005 term, and who is not otherwise eligible under the provisions of this Article, may be admitted to a campus as an undergraduate transfer; provided, that the applicant is an "eligible veteran" as that term is defined in subdivision (a)(1) of Section 3452, Title 38, United States Code and if the applicant is a California resident. The Chancellor is authorized to establish and from time to time revise procedures appropriate for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 12–13–71; effective thirtieth day thereafter (Register 71, No. 51).
2. Amendment filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25)

3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).

§ 40806. Other Applicants.

An applicant who does not meet the requirements of Sections 40803, 40804 and 40805, but who is eligible for admission as a first–time freshman on the basis of the admission requirements in effect at the time of the application for admission as an undergraduate transfer, other than the provisions of Section 40759, or who has completed 56 semester (84 quarter) units of transferable college credit for admission prior to fall term 2005 and 60 semester (90 quarter) units of transferable college credit commencing with admission to the fall 2005 term, may be admitted to a campus as an undergraduate transfer, if in the judgment of the appropriate campus authority, the applicant can succeed at the campus.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Registers 73, No. 25 and 72, No. 35.
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).

§ 40807. Adult Students.

An applicant who has attained the age of 25 years and is a high school graduate may be admitted to a campus as an adult student (1) if the applicant was not enrolled as a full–time student for more than one academic term within the previous five years and (2) if for any college work completed during that five–year period the applicant received a "C" average (2.0) or better and (3) if the applicant's motivation, preparation, and ability are such that in the judgment of the appropriate campus authority the probability of academic success is equivalent to that of students eligible under Section 40803 and (4) if the applicant demonstrates competence in entry–level skills as defined in Section 40402.1.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66021, 66600 and 89030, Education Code.

HISTORY

1. New section filed 8–11–82; effective thirtieth day thereafter (Register 82, No. 33). For history of former section, see Registers 77, No. 51; 77, No. 18 and 73, No. 25.
2. Amendment filed 10–4–2000; operative 10–4–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 48).

§ 40808. Applicants Who Are Enrolled at Other Campuses.

Notwithstanding any other provision of this Article, an applicant who is enrolled at a campus may be admitted to another campus at the discretion of appropriate campus authority of both campuses, if the applicant satisfies the requirements of each of the following lettered subdivisions. (For convenience of reference, the campus at which the student is enrolled is termed the "first campus," and the campus to which the student seeks to be admitted is termed the "second campus.")

(a) The student has completed at least one term at the first campus as a matriculated student and has earned at least 12 units there.

(b) The student has attained a grade point average of 2.0 (grade of C) in all work completed at the first campus and is in good standing at that campus.

The Chancellor shall establish procedures so that an applicant meeting the provisions of this section may be certified by the first campus as to eligibility, residence and health status. The second campus may require the applicant to submit additional information as needed. Admission under this section may be limited to a specified period of time or purpose to be determined by the second campus.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 6. Admission of Undergraduate Applicants Not Otherwise Eligible

§ 40900. General Exceptions.

An applicant who is not otherwise eligible for admission as either a first–time freshman pursuant to Article 4 (commencing with Section 40751) or as a transfer student with fewer than 56 semester (84 quarter) units for admission prior to fall term 2005 and fewer than 60 semester (90 quarter) units commencing with admission to the fall 2005 term pursuant to Article 5 (commencing with Section 40801) may be admitted to a campus provided that the number of applicants enrolled in The California State University pursuant to this Section for any college year shall not exceed 4% of all undergraduate students who enrolled for the first time in The California State University during the previous college year exclusive of those who enrolled after being admitted under the provisions of this article. The Chancellor may prescribe, and may from time to time revise, procedures for the administration of this Section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New Article 5.5 (Sections 40900–40901) filed 12–13–77; effective thirtieth day thereafter (Register 77, No. 51).
2. Renumbering of Article 5.5 (Sections 40900 and 40901) to Article 6; renumbering of former Article 6 (Sections 41000–41050, not consecutive) to Article 8 and amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).
4. Amendment filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 40901. Exceptions for Applicants to Special Compensatory Programs.

(a) An applicant who is not otherwise eligible for admissions either as a first–time freshman pursuant to Article 4 (commencing with Section 40751) or as a transfer student with fewer than 56 semester (84 quarter) units for admission prior to fall term 2005 and fewer than 60 semester (90 quarter) units commencing with admission to the fall 2005 term pursuant to Article 5 (commencing with Section 40801) may be admitted to a campus provided that he or she is a disadvantaged applicant for whom special compensatory assistance is available, and provided further that the number of applicants enrolled in The California State University pursuant to this Section for any college year shall not exceed 4% of all undergraduate students enrolled for the first time in The California State University during the previous college year exclusive of those who enrolled after being admitted under the provisions of this article. The Chancellor may establish, and may from time to time revise, procedures for the administration of this Section.

(b) As used in this Section, the term "disadvantaged applicant" means an applicant who comes from a low–income family, who has the potential to perform satisfactorily on the college level, but who has been and appears to be unable to realize that potential without special assistance because of economic, or educational background.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
2. Amendment of subsection (a) filed 5–5–2003; operative 2–28–2003. Submitted to OAL for printing only (Register 2003, No. 40).
3. Amendment of subsection (b) and NOTE filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 7. Admission to Bachelor of Music and Bachelor of Fine Arts Degree Programs

§ 40905. Admission to Bachelor of Music and Bachelor of Fine Arts Degree Programs.

An applicant may be admitted to the Bachelor of Music degree program or Bachelor of Fine Arts degree program if the applicant qualifies for admission under this Subchapter and if the applicant, in the judgment of the campus, demonstrates unusual artistic talent.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New Article 7 (Section 40905) filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 8. Admission of Post–Baccalaureate and Graduate Students

§ 41000. Admission to Post–Baccalaureate Standing: Unclassified.

An applicant may be admitted to a campus as an unclassified post–baccalaureate student if the applicant satisfies the requirements of each of the following lettered subdivisions:

(a) The applicant holds an acceptable baccalaureate degree earned at an institution accredited by a regional accrediting association, or the applicant has completed equivalent academic preparation as determined by the appropriate campus authority.

(b) The applicant has attained a grade point average of at least 2.5 in the last 60 semester units attempted.

(c) The applicant was in good standing at the last college attended.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Former Article 5 renumbered Article 6 (Register 65, No. 2).
2. Amendment of subsection (a) filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Repealer and new section filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
5. Renumbering of Article 6 (Sections 41000–41050, not consecutive) to Article 8 and amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41001. Special Action.

An applicant who does not qualify for admission under the provisions of subdivisions (a) or (b), or both such subdivisions, of Section 41000, may be admitted by special action if on the basis of acceptable evidence the applicant is judged by appropriate campus authority to possess sufficient academic, professional and other potential pertinent to the applicant's educational objectives to merit such action.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Repealer and new section filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
4. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41002. Admission to Post–Baccalaureate Standing: Classified.

An applicant who is eligible for admission under the provisions of either Section 41000 or Section 41001 may be admitted to classified post–baccalaureate standing for the purpose of enrolling in a particular post–baccalaureate credential or certificate program, if the applicant satisfies such additional professional, personal, scholastic and other standards, including qualifying examinations as may be prescribed for the particular program by the appropriate campus authority.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41010. Admission to Graduate Standing: Conditionally Classified.

An applicant who is eligible for admission under the provisions of either Section 41000 or Section 41001, but who has deficiencies in prerequisite preparation which in the opinion of the appropriate campus authority can be met by specified additional preparation, including qualifying examinations, may be admitted to an authorized graduate degree curriculum with conditionally classified graduate standing.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41011. Admission to Graduate Standing: Classified.

An applicant who is eligible for admission under the provisions of either Section 41000 or Section 41001 may be admitted to an authorized graduate degree curriculum of the campus as a classified graduate student if the applicant satisfactorily meets the professional, personal, scholastic, and other standards for admission to the graduate degree curriculum, including qualifying examinations, as the appropriate campus authority may prescribe. Only those applicants who show promise of success and fitness will be admitted to graduate degree curricula, and only those who continue to demonstrate a satisfactory level of scholastic competence and fitness shall be eligible to continue in such curricula.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41020. Admission to Doctor of Education Programs.

(a) An applicant may be admitted with classified graduate standing to a program leading to a Doctor of Education degree established pursuant to Section 40511 if the applicant satisfies the requirements of each of the following numbered subdivisions:

(1) The applicant holds an acceptable baccalaureate degree earned at an institution accredited by a regional accrediting association, or the applicant has completed equivalent academic preparation as determined by the appropriate campus authority.

(2) The applicant holds an acceptable master's degree earned at an institution accredited by a regional accrediting association, or the applicant has completed equivalent academic preparation as determined by the appropriate campus authority.

(3) The applicant has attained a cumulative grade point average of at least 3.0 in upper–division and graduate study combined.

(4) The applicant is in good standing at the last institution of higher education attended.

(5) The applicant has demonstrated sufficient preparation and experience pertinent to educational leadership to benefit from the program.

(6) The applicant has met any additional requirements established by the Chancellor in consultation with the faculty and any additional requirements prescribed by the appropriate campus authority.

(b) An applicant who does not qualify for admission under the provisions of subdivision (a) may be admitted with classified graduate standing by special action if on the basis of acceptable evidence the applicant is judged by the appropriate campus authority to possess sufficient academic and professional potential pertinent to educational leadership to merit such action.

(c) An applicant who is ineligible for admission under the provisions of either subdivision (a) or subdivision (b) because of deficiencies in prerequisite preparation that in the opinion of the appropriate campus authority can be rectified by specified additional preparation, including examinations, may be admitted with conditionally classified graduate standing. The student shall be granted classified graduate standing upon rectification of the deficiencies.

(d) Only those students who continue to demonstrate a satisfactory level of scholastic competence and fitness shall be eligible to continue in Doctor of Education programs.

NOTE: Authority cited: Sections 66600, 66040.3, 89030 and 89035, Education Code. Reference: Sections 66040.3, 66600 and 89030, Education Code.

HISTORY

1. New section filed 7–27–2006; operative 7–27–2006. Submitted to OAL for printing only (Register 2006, No. 37).

§ 41030. Applicants Who Are Enrolled at Other Campuses.

Notwithstanding any other provision of this Article, an applicant who is enrolled as a graduate student at a campus may be admitted to another campus at the discretion of appropriate campus authorities of both campuses if the applicant satisfies the requirements of each of the following lettered subdivisions. (For convenience of reference, the campus at which the student is enrolled is termed the "first campus," and the campus to which the student seeks to be admitted is termed the "second campus.")

(a) The student has completed at least one term at the first campus as a matriculated student or will be enrolled concurrently in such status.

(b) The student has been admitted to or is enrolled in an authorized graduate program at the first campus.

(c) The student was in good standing at the last college attended. The Chancellor shall establish procedures whereby an applicant meeting the provisions of this section may be certified by the first campus as to eligibility, residence and health status. The second campus may require the applicant to submit additional information as needed, and admission un–

[The next page is 239.]

der this section may be for a specified period of time or purpose to be determined by the second campus.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25).
2. Renumbering from 41002 filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41040. English Language Examination.

To be admitted to a campus as a postbaccalaureate or graduate student, an applicant who does not possess a baccalaureate degree from a postsecondary institution where English is the principal language of instruction must receive a minimum score of 550 on the Test of English as a Foreign Language (TOEFL). Appropriate campus authority may prescribe a higher minimum score, based on such campus factors as the nature of the instruction offered, availability of instruction in English as a second language, student enrollment demand, and availability of funds. Achieving the minimum score shall be evidence of the applicant's English competency at a level which will allow the applicant to participate satisfactorily in and benefit from university study. Exceptions may be granted by the appropriate campus authority when there is convincing evidence that the applicant's competence in English is at a level which will allow satisfactory participation in and benefit from university study.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. New section filed 1–12–83; effective thirtieth day thereafter (Register 83, No. 3).
2. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."

§ 41050. Campus Admission Requirements.

Each campus shall establish and announce admission requirements appropriate for each of its graduate degree and post–baccalaureate programs; such requirements may be greater than but not less than the requirements set forth in Section 41000.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 9. Requirements for Admission to Teacher Basic Credential Programs and Student Teaching and Recommendation for Teaching Credential

§ 41100. Admission to Teacher Education Basic Credential Program.

To be admitted to a teacher education basic credential program, a candidate for admission shall be evaluated by the campus as provided in subsection (a) and shall be determined to have satisfied all entrance requirements of the California State University as provided in this section.

(a) Evaluation Procedure. When a candidate requests admission to a teacher education basic credential program, the campus shall evaluate the candidate and review the candidate's record in accordance with the review and evaluation procedures established at the campus. The teacher education faculty shall be involved in this review and evaluation. The decision of the campus resulting from this evaluation shall be final.

(b) Evaluation Standards. Requirements for admission to a teacher education basic credential program shall be prescribed by the Chancellor, after appropriate consultation, and shall include the following:

(1) Scholarship. The candidate shall have attained a grade point average that is equal to or greater than a standard established by the Chancellor in consultation with the faculty. That standard shall ensure that successful candidates will have demonstrated academic achievement that places them in the upper half of a comparable student population, in conformity with criteria adopted by the California Commission on Teacher Credentialing.

(2) Prerequisite Courses and Field Experience. The candidate shall have successfully completed at least one documented field experience as prescribed by the Chancellor and other prerequisite courses prescribed by the campus.

(3) Professional Aptitude. The candidate shall demonstrate suitable aptitude for teaching in public schools, as determined by the campus. The procedures for making this determination shall include interviews and letters of recommendation.

(4) Physical Fitness. The candidate shall satisfy the standards of health and physical fitness required by the Commission on Teacher Credentialing.

(5) Fundamental Skills. The candidate shall demonstrate proficiency in fundamental skills. Fundamental skills shall include written and spoken English. The Chancellor may require the demonstration of proficiency in additional fundamental skills for entrance to or continuation in a basic credential program. The campus shall determine whether the evidence of proficiency is acceptable.

(6) Personality and Character. The candidate shall demonstrate personality and character traits that satisfy the standards of the teaching profession. The assessment of the candidate shall be made by the teacher education faculty of the campus, who may also consider information from public school personnel and others. Tests, observations, and interviews may be employed by the campus for this assessment.

(c) Exceptions. The campus may admit a candidate to a teacher education program as an exception when the candidate has not met one or more of the requirements if the candidate possesses compensating strengths in other required areas. A campus may grant exceptions that are conditioned on satisfaction of requirements within a specified time period. The campus shall limit the number of exceptional admissions to teacher education programs in the current year to a number no greater than 15 percent of those regularly admitted to the campus teacher education program in the current or previous year.

(d) The evaluation standards established by the Chancellor may vary with the type of basic credential program to which admission is sought. The standards may be based, as appropriate, on one or more of the following: undergraduate class standing or post–baccalaureate standing; completion of, partial completion of, or enrollment in an approved subject matter program; submission of examination scores or passage of one or more examinations; possession of a certificate of clearance; offer of employment as an intern teacher in a collaborating district.

(e) A candidate who has been determined by a campus to meet the minimum standards for entrance to a basic credential program shall be considered to be eligible for admission to a basic credential program of the same type that is offered by any other California State University campus and that is not impacted pursuant to Sections 40650 and 40651.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Former Article 6 renumbered Article 7 (Register 65, No. 2).
2. Amendment of subsections (a) and (c) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Renumbering of Article 7 (Sections 41100 and 41101) to Article 9 and amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Repealer of Article 9 (Sections 41100 and 41101) and new Article 9 (Sections 41100–41104) filed 10–28–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 44).
5. Amendment filed 6–12–98; operative 6–12–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 98, No. 31).

6. Amendment filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).

§ 41101. Continuation in Teacher Education Basic Credential Program.

Once admitted to a teacher education basic credential program of a campus, a student shall continue to satisfy the requirements for admission in Section 41100 and those prescribed by the campus. Should the campus determine that a student no longer satisfies these requirements or that a student who was admitted as an exception has failed to satisfy a condition of admission, the campus may, after notifying and counseling the student, discontinue the student's participation in the teacher education program.

A campus may establish additional criteria of satisfactory progress through the teacher education program. Should the campus determine that a student has not made satisfactory progress, the campus may, after notifying and counseling the student, discontinue the student's participation in the teacher education program.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Amendment filed 6–12–98; operative 6–12–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 98, No. 31).

§ 41102. Recommendation for Teaching Credential.

To be eligible for recommendation by the campus for a basic teaching credential, the candidate shall have satisfied the following requirements:

(a) The candidate shall have achieved a minimum grade point average of 3.0 on a four–point scale in all classes attempted in professional education courses after entering the program.

(b) The candidate shall have met campus standards for completion of a supervised teaching experience, including a teaching experience in a multicultural setting.

(c) The candidate shall have successfully completed all credential requirements of the Education Code and Part VIII of Title 5 of the California Code of Regulations.

(d) The candidate shall have satisfied all competence standards of the campus in the following categories: fundamental skills, the appropriate subject matter, instructional procedures, classroom management, and professional attitudes.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Repealer of former section 41102 and renumbering and amendment of former section 41103 to new section 41102 filed 6–12–98; operative 6–12–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 98, No. 31).

§ 41103. Office of the Chancellor.

The Chancellor shall provide guidance to the campuses of the California State University concerning the requirements of this Article 9 and administrative direction in the implementation of the provisions of this article in the California State University.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Renumbering of former section 41103 to new section 41102 and renumbering and amendment of former section 41104 to new section 41103 filed 6–12–98; operative 6–12–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 98, No. 31).
2. Amendment filed 8–11–2000; operative 8–11–2000. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2000, No. 39).

§ 41104. Office of the Chancellor.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 89030, Education Code.

HISTORY

1. Renumbering of former section 41104 to new section 41103 filed 6–12–98; operative 6–12–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 98, No. 31).

Article 10. Admission for Employee Training and Career Development

§ 41110. Admission for Employee Training and Career Development.

Full–time permanent or probationary employees as defined in Section 41804 or permanent part–time employees who are not admitted to a campus pursuant to the admission requirements of this subchapter may be admitted to a campus for the purpose of enrolling in courses which meet the requirements of and are approved pursuant to Section 41804 subject to rules prescribed by the Chancellor or designee. Such admission shall be only for the purpose of enrolling in such courses.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New Article 10 (Section 41110) filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 11. Physical Examinations

§ 41200. Health Screening Programs.

Except as hereinafter provided, each campus may establish for regular students a health screening program, including a requirement for a physical examination, as a condition for matriculation or continued attendance. If the parent or guardian of a minor student, or a student who has reached his or her eighteenth birthday, submits in writing a statement that a physical examination is contrary to the religious beliefs of such student, the student shall be exempt from such physical examination other than that required by the campus of students taking courses in student teaching or other teacher–education laboratory in the public schools. Whenever a campus physician has reason to believe that any student is suffering from an infectious or contagious disease that poses a significant health hazard to persons on the campus, such student shall not be permitted to attend at the campus. If admitted students do not comply with any campus health screening policy before arrival on campus, appropriate campus medical personnel are authorized to conduct physical examinations, laboratory tests or radiological examinations, diagnose and treat such students as necessary to ensure compliance with campus health screening requirements prior to registration or enrollment.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Former Article 7 renumbered Article 8 (Register 65, No. 2).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3).
4. Renumbering of Article 8 (Sections 41200 and 41200.1) to Article 11 filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41200.1. Exemption for Enrollment at Other Campuses.

The requirement of a physical examination may be waived by a campus for students whose enrollment at that campus is pursuant to Section 40808 or Section 41030.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25).
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 12. Supplemental Information

§ 41201. Supplemental Information.

A campus may require of each applicant for admission that the applicant furnish the campus with his or her social security number and other information concerning the applicant's identification which the campus requests.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Renumbering of Article 9 (Section 41201) to Article 12 and amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 13. Admission Experiments

§ 41250. Admission Experiments.

Notwithstanding any other provisions of this Subchapter, the Chancellor may authorize the admission of applicants for the purpose of conducting controlled admission experiments designed to provide improved bases for identifying applicants likely to profit from the instruction offered. All such programs including the criteria to be tested are subject to prior approval by the Chancellor and shall be reported to the Board annually.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 6–18–75; effective thirtieth day thereafter (Register 75, No. 25).
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Renumbering of Article 10 (Section 41250) to Article 13 and amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Subchapter 4. Student Affairs

Article 1. Scholastic Probation and Disqualification

§ 41300. Academic Probation and Disqualification.

For purposes of determining a student's eligibility to remain at the campus both quality of performance and progress toward his or her objective shall be considered. Such eligibility shall be determined by use of grade points, and grade point average and by application of guidelines provided for in Section 41300.1.

Campuses shall adhere to the following criteria to ensure satisfactory student progress toward the degree:

(a) An undergraduate student shall be subject to probation if, in any academic term the student fails to maintain a cumulative grade point average of at least 2.0 (grade of C);

(b) An undergraduate student shall be subject to disqualification if the student's cumulative grade point balance displays a deficiency in excess of the number permitted for his or her class level pursuant to deficiency levels established by the Chancellor;

(c) An undergraduate student who is not on probation may be disqualified if at any time the student's cumulative grade point average falls below 1.0 (grade of D) and, in the opinion of the appropriate campus authority it is unlikely in light of the student's overall educational record, that the resultant grade point deficiency will be removed in subsequent terms.

(d) A student who is enrolled in a graduate degree program in conditionally classified or classified standing shall be subject to academic probation if the student fails to maintain a cumulative grade point average of at least 3.0 (grade of B) in all units attempted subsequent to admission to the program;

(e) A student who is enrolled in any post–baccalaureate status other than in conditionally classified or classified standing shall be subject to academic probation if the student fails to meet criteria established by the campus. Such criteria shall not be less than those established for undergraduate students;

(f) A graduate or post–baccalaureate student shall be subject to disqualification if while on probation the student fails to earn sufficient grade points to be removed from probationary status. Disqualification may be either from further registration in a particular program or from further enrollment at the campus as determined by appropriate campus authority.

A student disqualified for scholarship deficiency may not enroll in any regular session of the campus without permission from the appropriate campus authority, and may be denied admission to other educational programs operated or sponsored by the campus.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New subsections (d), (e), and (f) filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30). For prior history, see Register 73, No. 41.
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
4. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41300.1. Administrative Academic Disqualification.

An undergraduate or graduate student may also be placed on probation or may be disqualified by appropriate campus authorities for unsatisfactory scholastic progress regardless of cumulative grade point average or progress points. Such actions shall be limited to those arising from repeated withdrawal, failure to progress toward an educational objective and noncompliance with an academic requirement, and shall be consistent with guidelines issued by the Chancellor.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New section filed 10–12–73; effective thirtieth day thereafter (Register 73, No. 41).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 2. Student Conduct

§ 41301. Standards for Student Conduct.

(a) Campus Community Values

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community should choose behaviors that contribute toward this end. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life.

(b) Grounds for Student Discipline

Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences.

The following are the grounds upon which student discipline can be based:

(1) Dishonesty, including:

(A) Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.

(B) Furnishing false information to a University official, faculty member, or campus office.

(C) Forgery, alteration, or misuse of a University document, key, or identification instrument.

(D) Misrepresenting one's self to be an authorized agent of the University or one of its auxiliaries.

(2) Unauthorized entry into, presence in, use of, or misuse of University property.

(3) Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.

(4) Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.

(5) Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.

(6) Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.

(7) Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.

(8) Hazing, or conspiracy to haze. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6), and in addition, any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. The term "hazing" does not include customary athletic events or school sanctioned events.

Neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.

(9) Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.

(10) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.

(11) Theft of property or services from the University community, or misappropriation of University resources.

(12) Unauthorized destruction, or damage to University property or other property in the University community.

(13) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.

(14) Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.

(15) Misuse of computer facilities or resources, including:

(A) Unauthorized entry into a file, for any purpose.

(B) Unauthorized transfer of a file.

(C) Use of another's identification or password.

(D) Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University community.

(E) Use of computing facilities and resources to send obscene or intimidating and abusive messages.

(F) Use of computing facilities and resources to interfere with normal University operations.

(G) Use of computing facilities and resources in violation of copyright laws.

(H) Violation of a campus computer use policy.

(16) Violation of any published University policy, rule, regulation or presidential order.

(17) Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.

(18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

(19) Violation of the Student Conduct Procedures, including:

(A) Falsification, distortion, or misrepresentation of information related to a student discipline matter.

(B) Disruption or interference with the orderly progress of a student discipline proceeding.

(C) Initiation of a student discipline proceeding in bad faith.

(D) Attempting to discourage another from participating in the student discipline matter.

(E) Attempting to influence the impartiality of any participant in a student discipline matter.

(F) Verbal or physical harassment or intimidation of any participant in a student discipline matter.

(G) Failure to comply with the sanction(s) imposed under a student discipline proceeding.

(20) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

(c) Procedures for Enforcing This Code

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

(d) Application of This Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus. Nothing in this Code may conflict with Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

NOTE: Authority cited: Sections 66017, 66452, 66600, 69810, 89030, 89030.1 and 89035, Education Code. Reference: Sections 66450, 69813 et seq. and 89030, Education Code; and Section 245.6, Penal Code.

HISTORY

1. Amendment of section and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 73, No. 15.
2. Renumbering of Article 1.1 (Sections 41301-41304) to Article 2 and amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of subsection (*l*), new subsections (n)-(n)(3), subsection relettering, amendment of newly designated subsections (o)(1) and (o)(2)(A) and amendment of NOTE filed 2-2-2004; operative 2-2-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 8).
4. Amendment of subsection (d), new subsection (o)(6) and amendment of NOTE filed 7-19-2004; operative 7-19-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).
5. Amendment of article 2 heading and repealer and new section filed 11-17-2005; operative 11-17-2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 52).
6. Amendment of subsection (b)(8) filed 3-19-2007; operative 3-19-2007 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2007, No. 12).

7. Amendment of NOTE filed 4–6–2007; operative 4–6–2007 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2007, No. 14).
8. Repealer of first paragraph, repealer and new subsection (a) and amendment of subsection (b) and NOTE filed 2–25–2008; operative 2–25–2008 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2008, No. 9).

§ 41302. Disposition of Fees: Campus Emergency; Interim Suspension.

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated in Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of the California State University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

NOTE: Authority cited: Sections 66300, 66600, 89030, 89031 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810–69813, 89030, 89031, 89700, Education Code; and Section 626.2, Penal Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 70, No. 40.
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment of last paragraph filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 41303. Conduct by Applicants for Admission.

NOTE: Authority cited: Sections 66300, 66600, 89030 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810–69813 and 89030, Education Code; and Section 626.2, Penal Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Repealer filed 11–17–2005; operative 11–17–2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 52).

§ 41304. Student Disciplinary Procedures for the California State University.

NOTE: Authority cited: Sections 66300, 66600, 89030 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810–69813 and 89030, Education Code; and Section 626.2, Penal Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment of section heading and section filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).
4. Repealer filed 11–17–2005; operative 11–17–2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 52).

Article 3. Student Body Organizations

§ 41400. Scope of Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
2. Renumbering of Article 2 (Sections 41400–41411) to Article 3 and repealer of Section 41400 filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41401. Calling of Election.

The president of a campus in which a student body organization has been established may call an election which shall be called, held and conducted pursuant to this article, to determine whether a student body membership fee shall be fixed which shall be required of all regular, limited and special session students attending the campus.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 9–22–65; effective thirtieth day thereafter (Register 65, No. 18).
2. Refiled 10–29–65 (Register 65, No. 20).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41402. Notice.

The election shall be called by posting notices in three public places on the campus at least two weeks before the election and by publishing the notice once a week for two weeks in the campus newspaper published by the student body organization, if there be such a newspaper. The notice shall set forth the time and place of the election, the purpose of the election, the location of the polls, and the hours during which the polls will be open. If more than one polling place is established, the notice shall also designate the group eligible to vote at each polling place.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41403. Polling Places.

The president of the campus shall fix the number of polling places. If more than one polling place is established, the regular students of the campus shall be divided into as many groups alphabetically, according to their surnames, as there are polling places, and each group shall be required to vote at the polling place assigned to it.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41404. Conduct.

The election shall be held on the campus and may be held on any day during the regular academic year the campus is in session except Saturday and Sunday. The polls shall be open from not later than 8 a.m. to at least 4 p.m. Only regular students of the campus shall be entitled to vote at the election.

No electioneering shall be carried on by signs or otherwise within 100 feet of any polling place.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41405. Supervision.

Such election shall be held and conducted under the direct supervision of such members of the faculty of the campus as the president shall designate. Voting shall be by secret ballot.

At least one faculty member shall be present at each of the polls during the time the polls are open and during the time the votes are counted. Such faculty member or members shall supervise the conduct of the election at the polling place.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41406. Ballot.

The ballot used at such elections shall be in the following form: "Shall a membership fee in the student body organization of

_____

(Insert Name of Institution)

be fixed which shall be required of all regular, limited and special session students enrolled at the campus? Yes__ No__ (The voter shall mark a cross after the answer he desires to give.)"

Only one ballot shall be allowed each eligible voter. If a voter marks a ballot in error, the voter may return such ballot and receive another.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 9–22–65; effective thirtieth day thereafter (Register 65, No. 18).
2. Amendment filed 10–29–65; effective thirtieth day thereafter (Register 65, No. 20).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41407. Results.

Immediately after the closing of the polls, the ballots cast at each polling place shall be counted by, or under the direction of, the faculty member or members assigned to such polling place. The number of "Yes" votes and the number of "No" votes cast at the polling place shall be certified to the president of the campus by a faculty member assigned to the polling place. The president of the campus shall total the votes and certify the result of the election to the Board of Trustees.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41408. Fixing of Fees.

If two–thirds of the votes cast at the election are "Yes" votes, the Chancellor shall fix the membership fee to be required of all regular, limited and special session students attending the campus and shall notify the president of the campus of the fee fixed.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 9–22–65; effective thirtieth day thereafter (Register 65, No. 18).
2. Refiled 10–29–65 (Register 65, No. 20).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41409. Collection of Fees.

The required membership fee shall, pursuant to Education Code Section 89301, be collected by the campus of a regular student, limited student, and special session student unless the student chooses to work off the amount of the fee as provided in Education Code Section 89301. Fees so collected shall be deposited with the chief fiscal officer or designee of the campus and transmitted by that officer to the treasurer of the student body organization.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 2–18–77; effective thirtieth day thereafter (Register 77, No. 8).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41409.5. Time of Collection of Fees.

The required membership fee shall be collected at the time of each registration except:

(a) When a student loan or other financial assistance from a student aid program or a training program recognized by the campus has been delayed and there is reasonable proof acceptable to the chief fiscal officer of the campus or designee that the funds will be forthcoming; or

(b) When changes are made during the change of program period which result in a higher fee category than paid at the time of registration, in which case the additional fee required shall, subject to (a) above, be paid immediately upon demand by the campus.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. New section filed 2–18–77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41410. Referendum.

The required membership fee shall be subject to referendum as provided in Education Code Section 89300. The referendum election shall be called, held, and conducted, and the results thereof certified in the same manner as the election at which the required membership fees were authorized except for necessary changes made in phrasing notices, ballots, propositions, and similar election material, in order to provide for a referendum; provided that a referendum shall not be successful unless at least two–thirds of the students voting at the election called therefor approve it.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 6–1–66; effective thirtieth day thereafter (Register 66, No. 16).
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41411. Resubmission of Proposals.

If a proposal submitted at an election held under this article fails to receive the number of votes required for its adoption, subsequent elections may be called and held under this article, at which the proposal may be submitted but no such election shall be held within 90 days of any prior election at which such proposal was submitted.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

Article 4. Nondiscrimination in Student Organizations

§ 41500. Withholding of Recognition.

No campus shall recognize any fraternity, sorority, living group, honor society, or other student organization which discriminates on the basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability. The prohibition on membership policies that discriminate on the basis of gender does not apply to social fraternities or sororities or to other university living groups.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Renumbering of Article 3 (Sections 41500–41505) to Article 4 and amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 6–1–2005; operative 6–1–2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 30).

§ 41501. Definition of Recognition.

Recognition as used in this article shall include, but not be limited to, the granting by a campus of any benefit, resource, or privilege whatsoever, or allowing the use of campus facilities, to any such student organization described in Section 41500 of this article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).

§ 41502. Time Limitation for Conforming.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Repealer filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).

§ 41503. Filing Requisites.

Each student organization shall deposit with the Vice President of Student Affairs or equivalent officer of the campus by, copies of all constitutions, charters or other documents relating to its policies. The student organizations shall also deliver to the Vice President of Student Affairs or equivalent officer a statement signed by the president or similar officer of the local student organization attesting that the organization has no rules or policies which discriminate on the basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability, except as excepted above. This statement shall be renewed annually and the other documents required by this section shall be refiled within 90 days after any substantive change or amendment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 6–1–2005; operative 6–1–2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 30).

§ 41504. Penalties.

Should the national governing body of any organization described in Section 41500 take any action which has the effect of penalizing or disciplining any branch or chapter at a campus in order to enforce a policy of discrimination based on race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability, except as excepted above, recognition of that organization by any campus shall be immediately withdrawn.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
4. Amendment filed 6–1–2005; operative 6–1–2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 30).

§ 41505. Athletics and Other Intercollegiate Activities.

No campus shall enter into intercollegiate activities which will subject its students directly or indirectly to discrimination or segregation on the basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, or disability. The prohibition against discrimination on the basis of gender does not apply to membership on intercollegiate athletic teams, facilities, or competition.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89300, Education Code. Reference: Sections 66600, 89030, 89300–89302, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment of NOTE filed 3–19–82; effective thirtieth day thereafter (Register 82, No. 12).
3. Amendment filed 6–1–2005; operative 6–1–2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 30).

Article 5. Student Orientation

§ 41550. Educational and Preventive Information Regarding Sexual Violence.

Each campus, in collaboration with campus–based victim advocacy organizations, shall provide educational and preventive information about sexual violence as part of established on–campus orientations. For a campus with an existing on–campus orientation program, this information shall be provided, in addition to the sexual harassment information required to be provided pursuant to subdivision (e) of Section 66281.5 of the Education Code, during the regular orientation for incoming students. The campus shall also post the same information on its campus internet website.

Each campus is responsible for implementing policies and procedures in accordance with Education Code Section 67385.7(a) (b) (c) (d).

NOTE: Authority cited: Sections 67385.7 and 89030, Education Code. Reference: Sections 66281.5, 67385.7 and 89030, Education Code.

HISTORY

1. New article 5 (section 41550) and new section filed 3–19–2007; operative 3–19–2007 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2007, No. 12).

Subchapter 5. Administration

Article 1. Community Relations Responsibilities

§ 41600. Definition of Community Relations Responsibilities of Campus Presidents.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89044, Education Code. Reference: Section 89044, Education Code.

HISTORY

1. Amendment filed 12–4–63; effective thirtieth day thereafter (Register 63, No. 24).

2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Repealer of article 1 (sections 41600–41601) and section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 41601. Definition of Community Relations Responsibilities of the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89044, Education Code. Reference: Section 89044, Education Code.

HISTORY

1. New section filed 12–4–63; effective thirtieth day thereafter (Register 63, No. 24).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 2. Facilities and Services

§ 41700. Support for Established Programs.

Each campus shall maintain the courses, staff, and facilities necessary to meet the requirements for the degrees and credentials authorized.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41701. Student Personnel Services.

Each campus shall maintain an adequate staff to provide student personnel services to include counseling and testing, activities, and housing, health service, placement, and admissions and records.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41702. Library.

Each campus shall maintain a library containing an adequate supply of books, periodicals, and other instructional materials distributed among the fields of knowledge in which instruction is offered. The library shall be administered by a qualified librarian.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41703. Laboratory School.

Each campus shall, upon approval by the Board of Trustees, provide adequate facilities for observation, demonstration, research, experimentation, supervised teaching and other activities related to Teacher Education programs in order to foster and promote continued improvements in the education of children and of teachers.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89047, Education Code.

HISTORY

1. Amendment filed 2–4–66; effective thirtieth day thereafter (Register 66, No. 4).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41704. Audio–Visual Aids.

Each campus shall maintain adequate classroom and laboratory facilities and the necessary equipment to provide audio–visual aids to learning.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41705. Television.

Each campus may, with the approval of the Board of Trustees, contract to use open–circuit television facilities for the offering of appropriate instruction.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89200, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41706. Pupil Transportation.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Repealer filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).

Article 3. Fees

§ 41800. Payment of Fees.

(a) Amount Generally. Students and other persons receiving services, facilities or materials provided by the California State University shall pay fees in accordance with the schedule of fees approved by the Board of Trustees.

(b) Time of Payment. A student shall pay any tuition or student services fee, or both, in accordance with the schedule of fees by such time as is determined by the Chancellor; provided that for entering students such fees may not be required earlier than the date of the student's admission to the campus. A student shall pay other fees required by the schedule of fees at the time or times as specified in the first sentence of this subdivision, or later as determined by appropriate campus authorities.

(c) Increase in Unit Load. If the number of units for which a student is registered is increased during the term to a higher student services fee category in the schedule of fees, the student shall pay an additional amount so that the total amount paid as a student services fee shall equal the student services fee for the greater number of units.

NOTE: Additional authority cited: Section 66600, 89030, 89035 and 89700, Education Code. Reference: Section 89700, Education Code.

HISTORY

1. Amendment filed 4–5–62; effective thirtieth day thereafter (Register 62, No. 7).
2. Amendment filed 5–22–67; effective thirtieth day thereafter (Register 67, No. 21).
3. Amendment of subsections (a) and (b) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
5. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41800.1. Application Fees.

(a) Definitions.

(1) Semester and Quarter. As used in this section, the words "semester," and "quarter" shall include any semester or quarter other than a special session semester or quarter for which tuition fees are required pursuant to Education Code Section 89708.

(2) Application for Admission. As used in this section, the phrase "application for admission" shall include an application for readmission as well as an application for initial admission to a campus for undergraduate or post–baccalaureate study.

(b) Imposition of Fee. All applications for admission to a campus shall pay an application fee of fifty–five dollars ($55.00) for the processing of the application by the campus.

(c) Time of Payment. Application fees shall be submitted with applications for admission, and no application shall be considered complete unless accompanied by said fee.

(d) Exclusions. This section shall not apply:

(1) to applications for enrollment in extension courses or as an auditor without credit.

(2) to applications for admission submitted by persons enrolled at the campus to which application is made during either of the two semesters or any of the three quarters, as the case may be, immediately preceding the semester or quarter with respect to which the application is submitted, unless such person was enrolled at another institution subsequent to such previous semester or quarter.

(3) to an application transferred at the request of the applicant to a campus by the campus at which it was originally filed, provided that the application fee was paid at the latter if required by this section, and provided further, that the applicant did not enroll at the campus at which the application was previously filed.

(4) to applications for admission which are restricted to certain special programs as designated by the Chancellor.

(5) to applications for admission from individuals as to whom,in the judgment of the president or designee, payment of the fee would constitute undue financial hardship. The Chancellor shall establish appropriate guidelines for implementation of this exclusion.

(6) in the case of a student returning from an authorized planned student leave granted by appropriate campus authority where the principal purpose of the leave was related to the student's educational objective, provided that the conditions of the leave have been met.

NOTE: Authority cited: Sections 89030 and 89700, Education Code. Reference: Section 89700, Education Code.

HISTORY

1. Amendment of subsection (a)(1) and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 73, No. 25).
2. Amendment of subsection (b) filed 8–3–79; effective thirtieth day thereafter (Register 79, No. 31).
3. Amendment of subsection (b) filed 11–30–79; effective thirtieth day thereafter (Register 79, No. 48).
4. Amendment of subsections (a)(1), (b), (d)(5) and (d)(6) filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Amendment of subsection (b) filed 12–1–82; effective thirtieth day thereafter (Register 82, No. 49).
6. Amendment of subsection (b) filed 10–28–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 44).
7. Amendment of subsection (b) filed 7–26–89; operative 7–26–89 (Register 89, No. 31).

§ 41800.2. Instructionally Related Activities Fee.

The Chancellor is authorized to establish and adjust an Instructionally Related Activities fee which shall be assessed of all regular students of the California State University. The Chancellor shall adopt such rules and procedures as may be necessary or appropriate to administer the authorization granted herein. The revenues derived from the Instructionally Related Activities fee shall be used for the support of instructionally related activities in the California State University subject to such rules and procedures as the Chancellor shall prescribe.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89700, Education Code. Reference: Section 89700, Education Code.

HISTORY

1. New section filed 2–10–78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41801. Exemption from Fees Under Education Code Section 32320.

NOTE: Authority cited: Section 89030, Education Code. Reference: Section 32320, Education Code.

[The next page is 247.]

HISTORY

1. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 75, No. 52.
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of subsections (b) and (c) filed 8–13–85; effective thirtieth day thereafter (Register 85, No. 33).
4. Repealer filed 2–2–2004; operative 2–2–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 8).

§ 41802. Refund of Fees Including Nonresident Tuition.

(a) General. Money collected as a mandatory fee or nonresident tuition may be refunded in accordance with the provisions of this section.

(b) Cancellation of Registration. A student who registers for classes for an academic period and who drops all classes or otherwise cancels registration for the period prior to the first day of instruction for that period shall be entitled to a refund of all tuition and mandatory fees paid less an administrative charge established by the campus.

(c) Adjustment of Registration. A student who, within the campus designated drop period and in accordance with the campus procedures, drops units resulting in a lower tuition and/or mandatory fee obligation shall be entitled to a refund of applicable tuition and mandatory fees less an administrative charge established by the campus.

(d) Withdrawals.

(1) For state–supported semesters, quarters and non–standard terms or courses of four (4) weeks or more: A student who, on or after the first day of instruction and up to a date that includes the sixty percent point in the academic period, either

(A) drops all of the courses in which the student enrolled prior to the end of the campus–designated drop period, or

(B) officially withdraws for the enrollment period in accordance with university procedures, shall be entitled to a refund of tuition and mandatory fees on the basis of the proportion represented by the number of days in the academic period, excluding breaks of five days or more. A student who officially withdraws from the university after the sixty percent point in the academic period, fails to drop classes prior to the end of the campus drop period, or fails to officially withdraw from the campus, shall not be entitled to any refund of tuition or mandatory fees.

(2) For state–supported, non–standard terms or courses of less than four (4) weeks: a student registered for a state–supported, academic period or any course of less than four (4) weeks in duration shall not be entitled to any refund of tuition and mandatory fees if the student fails to either drop the courses or cancel registration prior to the first day of instruction for state–supported, non–standard terms or the first scheduled meeting of a state–supported course of less than four weeks that occurs during a regular semester or quarter.

(3) For self–support, special sessions and extension course tuition fees: Refunds of tuition and fee charges for self–support, special sessions and extension courses shall be made in accordance with policies and procedures established by the campus offering the session or course.

(e) Exceptions. Notwithstanding subdivision (d):

(1) Tuition and mandatory fees shall be refunded and an administrative charge may not be retained if

(A) The tuition and mandatory fees were assessed or collected in error;

(B) The course for which the tuition and mandatory fees were assessed or collected was cancelled by the university;

(C) The university makes a delayed decision that the student was not eligible to enroll in the term for which mandatory fees were assessed and collected and the delayed decision was not due to incomplete or inaccurate information provided by the student; or

(D) The student was activated for compulsory military service.

(2) Tuition and mandatory fees may be refunded if the student or an authorized representative petitions the university for a refund demonstrating exceptional circumstances and the chief financial officer of the university or designee makes a determination that the tuition and mandatory fees have not been earned by the university.

(f) Payment of Refunds: Any refund of tuition and mandatory fees shall be applied in the following order:

(1) Any refunds shall first be applied toward any required return of funds that had been received by the student or on his/her behalf from federal, state, institutional, or external sources that were conditioned on the student's enrollment.

(2) The balance of any refunds shall be returned to the student or, with the student's concurrence, carried as a credit balance on the student's account with the university.

(g) Penalty Fees, Deposits, and Security or Guaranty Fees. Fees assessed to reimburse the university for additional costs resulting from dishonored payments, late submissions, or misuse of property are not subject to refund. Fees collected as a security or guarantee shall be refundable as determined by the university based on terms stipulated at the time and in accordance with conditions of their collection.

(h) "Mandatory fees," as used in this section, means systemwide fees and campus fees that are required to be paid in order to enroll in state–supported academic programs.

(i) Since the change arises in the middle of an academic year, campuses may refund fees including nonresident tuition fees following the former refund standards during a transition period that shall end with the commencement of the Fall term 2002.

NOTE: Authority cited: Sections 68051, 89030 and 89700, Education Code. Reference: Sections 68051 and 89700, Education Code.

HISTORY

1. Amendment filed 10–1–76 as an emergency; effective upon filing (Register 76, No. 40). For prior history, see Register 76, No. 6.
2. Certificate of Compliance filed 1–10–77 (Register 77, No. 3).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 7–27–78; effective thirtieth day thereafter (Register 78, No. 30).
5. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
6. Amendment of subsection (e)(8)(A) filed 11–29–88; operative 12–29–88 (Register 88, No. 51).
7. Amendment of section heading, section and NOTE filed 12–14–2001; operative 12–14–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 8).

§ 41802.1. Refund of Fees and Charges for First–Time Students Receiving Title IV Financial Aid.

NOTE: Authority cited: Sections 89030 and 89700, Education Code. Reference: Sections 89030 and 89700, Education Code; Title 20 United States Code, Section 1091b (106 STAT. 619–620).

HISTORY

1. New section filed 7–15–93; operative 7–15–93 (Register 93, No. 29).
2. Repealer filed 12–14–2001; operative 12–14–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 8).

§ 41803. Refund of Parking Fees.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89700, Education Code. Reference: Section 89700, Education Code.

HISTORY

1. Amendment filed 8–22–72, effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Repealer filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).

§ 41804. Waiver or Reduction of Fees for Employee Training and Career Development.

(a) Fees may be waived entirely or reduced for employees of The California State University enrolling in courses offered by The California State University in accordance with this section.

(b) Fee waivers or reductions may be authorized by the Chancellor or designee for full–time permanent or probationary employees or permanent part–time employees or Management Personnel Plan employees who enroll in work–related courses which are necessary for improving skills for existing employment with The California State University, or which are necessary for advancement, in accordance with a career development plan, at The California State University.

(c) Before such waiver or reduction may be granted, the Chancellor or designee shall approve the course as being work related and necessary for improving skills for existing employment or, as the case may be, shall approve the career development plan and the course as being work related and necessary for advancement in accordance with a career development plan at The California State University.

(d) The Chancellor or designee may authorize reduction, but not a full waiver, of student body association fees and fees authorized or required to be charged under the State College Revenue Bond Act of 1947 (Education Code Sections 90010 et seq.) and resolutions adopted thereunder.

(e) Full-time permanent or probationary employees or permanent part-time employees or Management Personnel Plan employees who are not admitted to a campus pursuant to the admission requirements of Subchapter 3 of this Chapter may be admitted to a campus for the purpose of enrolling in courses which meet the requirements of and are approved pursuant to this section subject to rules prescribed by the Chancellor or designee. Such admission shall be only for the purpose of enrolling in such courses.

(f) "Full-time permanent or probationary employees," or "Management Personnel Plan employees" as used in this section, shall include full-time permanent or probationary employees or Management Personnel Plan employees who are on an approved full or partial leave of absence with or without pay.

(g) The appropriate campus authority may reduce the level of services, except instructional services, which may be provided to employees who enroll in work-related courses where the fees paid by such persons are below the fee levels normally charged.

NOTE: Authority cited: Sections 89030 and 89710, Education Code. Reference: Section 89710, Education Code.

HISTORY

1. New section filed 2-11-75; effective thirtieth day thereafter (Register 75, No. 7).
2. Amendment of subsection (d) and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).
4. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
5. Amendment of subsections (b), (e) and (f) filed 4-21-86; effective thirtieth day thereafter (Register 86, No. 17).

Article 4. Nonresident Tuition

§ 41900. Amount of Tuition.

A nonresident student of a campus shall pay tuition, in addition to other fees specified in Section 41800, in accordance with the schedule of fees established by the Chancellor in accordance with this Article.

NOTE: Authority cited: Sections 66600, 68051, 89030, 89035 and 89705, Education Code. Reference: Sections 68050, 68051 and 89705, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4-2-76; effective thirtieth day thereafter (Register 76, No. 14).
3. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41901. Nonresident Tuition, Amount and Time of Payment.

(a) Time of Payment.

Nonresident tuition shall be collected at the time of registration except:

(1) When a student loan or other financial assistance from a student aid program or a training program recognized by the campus has been delayed and there is reasonable proof acceptable to the chief fiscal officer of the campus or designee that the funds will be forthcoming; or

(2) When changes are made during the change of program period which result in a higher fee category than paid at the time of registration, in which case the additional fee required shall, subject to (1) above, be paid immediately upon demand by the campus; or

(3) As provided in Section 41901.5.

(b) Amount.

The nonresident tuition fee shall be based on:

(1) the average cost of the net state Support Budget programs of Instruction and Academic Support, which shall be computed annually based on the Board of Trustees' Budget submitted to the Governor. The average cost for this purpose shall be computed by adding the entire net state support at the campus level for the Instruction and Academic Support programs, and dividing the result by the number of full-time equivalent students projected in the Board of Trustees budget request for the California State University; or

(2) the amount stipulated in the Governor's Budget, if that amount is greater than the amount in subdivision (b)(1); or

(3) the amount stipulated in the budget as finally enacted if that amount is greater than the amount in subdivision (b)(1) and different from the amount in subdivision (b)(2).

The schedule of nonresident tuition fees shall be issued annually by the Chancellor to be effective with the fall term. These amounts, as well as all other fees which the Board of Trustees is authorized by law to charge, are subject to change without notice.

NOTE: Authority cited: Sections 68051, 89030 and 89705, Education Code. Reference: Sections 68050, 68051 and 89705, Education Code.

HISTORY

1. Amendment filed 2-18-77; effective thirtieth day thereafter (Register 77, No. 8). For prior history, see Register 76, No. 14.
2. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of subsection (c) filed 8-18-81; effective thirtieth day thereafter (Register 81, No. 34).
4. Amendment of subsection (c) filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
5. Renumbering former subsections (a)-(c) to subsections (a)(1)-(a)(3), and new subsections (b)(2) and (b)(3) filed 7-26-89; operative 7-26-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 31).

§ 41901.5. Installment Payment of Nonresident Tuition.

(a) Nonresident students who are citizens and residents of a foreign country and not citizens of the United States may pay nonresident tuition on an installment basis. The installments for each term's tuition, except as hereinafter provided, shall be three equal payments at campuses on semester calendars, and two equal payments at campuses on quarter calendars. At California State University, Stanislaus, the nonresident tuition for the winter term shall be collected at the time of registration.

(b) A service charge shall be paid with each installment payment to cover the cost of handling. Such charge shall be in accordance with the schedule of charges established by the Chancellor and shall be sufficient to cover the cost of administering this installment payment plan.

NOTE: Authority cited: Sections 66600, 68051, 89030, 89705 and 89707.5, Education Code. Reference: Section 89707.5, Education Code.

HISTORY

1. New section filed 2-6-76; effective thirtieth day thereafter (Register 76, No. 6).
2. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
4. Amendment of subsection (a) filed 9-3-2004; operative 9-3-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 41902. Definition of "Continuous Attendance."

As used in Education Code Section 68016, "continuous attendance" as it refers to attendance by a student at any campus or campuses of The California State University means enrollment in not less than 12 units per semester for two semesters within an academic year, or 12 units per quarter for three quarters within an academic year. For purposes of computing units for graduate level courses taken by graduate students, a weighing factor of 1.5 shall be applied to each unit. To be enrolled full time, a student need not enroll in summer session, and summer session units are not includable for purposes of determining whether a student is enrolled full time. This definition is limited in its application to determinations pursuant to Chapter 1 (commencing with Section 68000) of Part 41, Division 5 of the Education Code, and to this article.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Section 68016, Education Code.

HISTORY

1. Repealer and new section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15). For history of former section, see Register 71, No. 1.
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41903. Residence Determination Date.

The residence determination date for each term shall be set by the Chancellor. One date shall be specified for all campuses of The California State University on the semester system, and one date for all campuses on the quarter system.

NOTE: Authority cited: Sections 66600, 68023, 68044, 89030 and 89035, Education Code. Reference: Section 68023, Education Code.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15). For history of former section, see Register 72, No. 35.
2. Amendment filed 12–9–74; effective thirtieth day thereafter (Register 74, No. 50).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41904. Residence Requirement.

In order to be classified as a resident for tuition purposes, a student must have been a legal resident of the State of California for more than one year immediately preceding the residence determination date for the term during which the student proposes to attend a campus of the California State University. All students not classified as residents for tuition purposes shall be classified as nonresident students for tuition purposes irrespective of whether such students have residence in another state or territory of the United States or in a foreign country.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Sections 68017 and 68018, Education Code.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15). For history of former section, see Register 72, No. 35.
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41905. Evidence of Residence.

In order to establish a residence, it is necessary that there be a union of act and intent. The act necessary to establish legal residence is physical presence within the State of California. Relevant indicia of intent to make California one's residence include, but are not limited to: voting in elections in California and not in any other state; satisfying resident State personal income tax obligations; establishing an abode in the state where one's belongings are kept; licensing from the State for professional practice; maintaining active resident memberships in California professional or social organizations; maintaining California vehicle plates and operator's license; maintaining active savings and checking accounts in California banks; maintaining permanent military address or home of record in California if in the armed forces; engagement in litigation for which residence is required; showing California as home address on federal income tax forms; and the absence of these indicia outside California during any period for which a residence in California is asserted. Documentary evidence, including but not limited to the foregoing, may be required. No single factor is controlling or decisive.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Sections 68044 and 68062, Education Code.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41906. Evidence Required for Application of Statutory Exceptions to Non–Resident Tuition Classification.

(a) Any minor or eighteen–year–old student claiming application of the self–support exception pursuant to Section 68071 of the Education Code shall provide evidence to the appropriate campus authority including, but not limited to: documentation showing earnings for the year immediately preceding the opening day of the semester or quarter of attendance in the form of a statement from the employer or federal withholding form, a statement that the student has actually been present in California for said year (short durational stays away from the state are permitted), and a statement showing all expenses of the student for said year.

(b) (1) A dependent natural or adopted child, stepchild or spouse of a member of the armed forces of the United States claiming residence status pursuant to Section 68074 of the Education Code shall provide the appropriate campus authority with the following documents:

(A) A statement from the military person's commanding officer or personnel officer that the military person is stationed in California on active duty as of the residence determination date, and

(B) A statement that the student is a dependent of the military person and was claimed as a dependent for federal income tax purposes.

(2) A student dependent qualifying under this exception shall not lose his or her resident classification until he or she has resided in the state the minimum time necessary to become a resident. This exception shall continue to apply even though the member of the armed forces whose dependent is a student in attendance is either (A) transferred on military orders outside of this state and continues to serve, or is (B) retired as an active member of the armed forces.

(c) A student claiming application of Section 68075 of the Education Code shall provide the appropriate campus authority with a statement from the student's commanding officer or personnel officer stating that the assignment to active duty in this State is not for educational purposes. The student shall also produce evidence showing the date of assignment to California.

(d) A student claiming resident status pursuant to Section 68078 of the Education Code shall provide the appropriate campus authority with a statement from the employer showing employment by a school district in a full–time position requiring certification qualifications for the academic year in which the student enrolls. The student must also show that he or she holds a provisional credential and will enroll in courses necessary to obtain another type of credential authorizing service in the public schools, or that the student holds a credential issued pursuant to Section 44250 of the Education Code and is enrolled in courses necessary to fulfill credential requirements or is enrolled in courses necessary to fulfill the requirements, of the fifth year of education prescribed by subdivision (b) of Section 44259 of the Education Code.

(e) A child, natural or adopted, or a spouse of a deceased California resident who, at time of death, was employed by a public agency whose principal duties for that agency were active law enforcement service or active fire suppression and prevention and who was killed in the performance of active law enforcement or active fire suppression and prevention duties or who died as a result of an accident or an injury caused by external violence or physical force, incurred the performance of active law enforcement or active fire suppression and prevention duties, claiming exemption from tuition pursuant to Section 68120 of the Education Code shall provide the appropriate campus authority with documentary evidence showing:

(1) Legal relationship to deceased;

(2) California residence of deceased at time of death;

(3) Deceased was employed by a public agency at time of death;

(4) Principal duties of deceased at time of death were active law enforcement service or active fire suppression and prevention service;

(5) Principal duties of deceased were not clerical; and

(6) Deceased was killed on duty as a result of an accident or an injury caused by external violence or physical force incurred in the performance

of his or her active law enforcement or active fire suppression and prevention duties.

The appropriate campus authority may request evidence to establish any other fact reasonably necessary to determine eligibility for exemption from tuition.

(f) Any minor or eighteen–year–old student claiming application of the care and control exception pursuant to Section 68073 of the Education Code shall provide evidence to the appropriate campus authority including, but not limited to, evidence of living for two years with, and under the direct care and control of, an adult or adults, other than a parent, and evidence of domicile of such adult or adults.

NOTE: Authority cited: Sections 68044 and 89030, Education Code. Reference: Sections 68071, 68073, 68074, 68075, 68078 and 68120, Education Code.

HISTORY

1. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 74, No. 7.
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment filed 8–13–85; effective thirtieth day thereafter (Register 85, No. 33).
4. Editorial correction of Reference cite (Register 95, No. 9).
5. Amendment of subsections (e) and (e)(6) and amendment of NOTE filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 41906.5. Nonresident Tuition Exemption for California High School Students.

(a) Any student, other than a student who is nonimmigrant alien under Title 8, United States Code, Section 1101(a)(15), shall be exempt from paying nonresident tuition at any California State University campus if he or she:

(1) Attended high school in California for three or more years.

(2) Graduated from a California high school or attained the equivalent of such graduation; and

(3) Registered for or enrolled in a course offered by a California State University campus for any term commencing on or after January 1, 2002.

(b) Any student seeking an exemption under subdivision (a) shall complete a questionnaire furnished by the California State University campus of enrollment verifying eligibility for this nonresident tuition exemption and may be required to provide verification documentation in addition to the information required by the questionnaire. Nonpublic student information so provided shall not be disclosed except pursuant to law.

(c) In addition to the requirements of subdivision (a), any student without lawful immigration status shall file with the California State University campus an affidavit of enrollment on a form furnished by the campus stating that he or she has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so.

(d) A student seeking this tuition exemption has the burden of providing evidence of compliance with the requirements of this section.

(e) Nothing herein modifies eligibility standards or requirements for any form of student financial aid.

NOTE: Authority cited: Sections 68130.5 and 89030, Education Code. Reference: Section 68130.5, Education Code.

HISTORY

1. New section filed 2–20–2002; operative 2–20–2002. Submitted to OAL for printing only (Register 2002, No. 15).

§ 41907. Residence Classification Procedures.

Residence classification of new and returning students, of students requesting reclassification, and of other students as to whom a reclassification may be necessary shall be made for each term at each campus of the California State University commencing at the time processing is commenced on applications for admission or readmission. Classifications shall be based on evidence presented in, and supporting, applicants' answers to uniform residence questionnaires and supplemental residence questionnaires approved by the Chancellor, such further evidence of residence deemed necessary by the institution, and such further evidence of residence as the applicant submits. Applicants answering their residence questionnaires and supplemental residence questionnaires in California shall be required to certify them under penalty of perjury or certify them under oath before an employee of the Trustees authorized by the Chancellor at each institution to administer such oaths. Applicants answering their residence questionnaires outside of California shall be required to certify them under oath before a person authorized to administer oaths under the laws of the political entity where the oath is to be administered.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Section 68044, Education Code.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15).
2. Amendment filed 7–26–74; effective thirtieth day thereafter (Register 74, No. 30).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41908. Appeals.

Any student, following a final campus decision concerning the student's residence classification, may make written appeal to the Office of General Counsel in the Chancellor's Office within 120 calendar days of notification of the final campus decision. The Office of General Counsel may decide the issue, or it may send the matter back to the institution with instructions for a further review.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Section 68044, Education Code.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41909. Exceptions from One–Year Waiting Period.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15).
2. Amendment filed 10–12–73; effective thirtieth day thereafter (Register 73, No. 41).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Repealer filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41910. Employee Exception.

A student who is a full–time employee of the Trustees or of any state agency or a student who is a child or spouse of a full–time employee of the Trustees or of any state agency shall be entitled to classification as a resident for tuition purposes until he or she has resided in California the minimum time necessary to become a resident. This section does not apply to student assistants or employees who work all year on a part–time basis, or full time on a less than annual basis.

For purposes of this section, "employee of any state agency" is limited to a person employed by the State of California who is assigned to work outside of the state.

NOTE: Authority cited: Sections 68044 and 89030, Education Code. Reference: Section 68079, Education Code.

HISTORY

1. New section filed 4–11–73; effective thirtieth day thereafter (Register 73, No. 15).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment filed 8–13–85; effective thirtieth day thereafter (Register 85, No. 33).
4. Amendment of first paragraph filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 41911. Agreements of Other Institutions.

Notwithstanding any regulations or rules of governing boards or district governing boards of community colleges, agreements entered into by such governing entities pursuant to Education Code Section 68131

shall have no effect on residence classification for tuition purposes, nor on the obligation to pay non-resident tuition, in the California State University.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Section 68131, Education Code.

HISTORY

1. New section filed 4-11-73; effective thirtieth day thereafter (Register 73, No. 15).
2. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41912. Tuition Determinations.

The Chancellor may establish procedures for the making of, and where appropriate make, all determinations authorized by the Education Code with respect to applicability, exemptions, and waivers of non-resident tuition and fees.

NOTE: Authority cited: Sections 66600, 68044, 89030 and 89035, Education Code. Reference: Sections 68044, 68121, 68123, 68124, 68130, 68131, 89705, 89706, 89707 and 89710, Education Code.

HISTORY

1. New section filed 4-11-73; effective thirtieth day thereafter (Register 73, No. 15).
2. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41913. Refund of Nonresident Tuition.

NOTE: Authority cited: Sections 66600, 68051, 89030 and 89035, Education Code. Reference: Sections 68051 and 89705, Education Code.

HISTORY

1. Amendment of subsection (b) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Renumbering from section 41903 filed 4-11-73; effective thirtieth day thereafter (Register 73, No. 15).
3. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
4. Editorial correction of printing error in subsection (e) (Register 91, No. 29).
5. Repealer filed 12-14-2001; operative 12-14-2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 8).

§ 41914. Change of Program.

(a) Registering for Additional Units During a Term. Any nonresident student, who registers for additional units during the semester, academic year quarter, or academic summer quarter shall pay the established fee for each unit or fraction of a unit so added.

(b) Dropping Units During Term. A nonresident student may upon application made within the time limits specified in Section 41913 receive a refund in the amounts listed in that section for any unit or fraction of a unit dropped with the consent of the campus during a semester, academic year quarter, or academic summer quarter.

NOTE: Authority cited: Sections 66600, 68051, 89030 and 89705, Education Code. Reference: Sections 68050, 68051 and 89705, Education Code.

HISTORY

1. Amendment of subsection (b) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Renumbering from Section 41904 and amendment filed 4-11-73; effective thirtieth day thereafter (Register 73, No. 15).
3. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 41915. Adult Aliens.

An adult alien may establish a residence unless he or she is precluded by the Immigration and Nationality Act from establishing domicile in the United States. The alien must present documentation to the appropriate campus authority verifying his or her immigration status.

NOTE: Authority cited: Sections 68044 and 89030, Education Code. Reference: Section 68062(h), Education Code.

HISTORY

1. New section filed 8-13-85; effective thirtieth day thereafter (Register 85, No. 33).

§ 41916. Minor Aliens.

NOTE: Authority cited: Sections 68044 and 89030, Education Code. Reference: Section 68062(i), Education Code.

HISTORY

1. New section filed 8-13-85; effective thirtieth day thereafter (Register 85, No. 33).
2. Repealer filed 6-1-2007; operative 6-1-2007 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2007, No. 22).

Article 5. Housing

§ 42000. Definitions.

Unless the context otherwise requires, the definitions hereafter set forth shall govern the construction of Articles 5 and 6 of this Subchapter.

(a) Licensee. Licensee means any student or other person who has executed a license and who has been granted permission to use a housing facility for a fee period. Where the context requires it, the term licensee also means any student or other person who has a reservation for a housing facility.

(b) License. License means the document approved by the president which grants permission to use a housing facility and which contains the terms and conditions upon which such use is permitted. The license shall have imprinted thereon the words, "The use of housing facilities is subject to Articles 5 and 6 of Subchapter 5 of Chapter 1 of Part V (Sections 42000 through 42103) of Title 5 of the California Code of Regulations."

(c) Campus. Campus means any campus issuing licenses to students or other persons for the use of housing facilities.

(d) Housing Facility. Housing facility includes, but is not limited to, any individual or group living unit in a state owned or operated residence hall, family dwelling, apartment, trailer or trailer space which is operated under the authority of Sections 90000-90002 or Section 90012 of the Education Code.

(e) President. President means the campus president or his or her authorized representative or representatives.

(f) Student. Student means any individual currently matriculated and/or enrolled in the regular program of the campus where the student housing facility is located or any individual currently enrolled in one or more courses during a special session.

(g) Fee Period. Fee period means a period for which a license is granted and may extend for an academic year, semester, quarter, or other period or session established by the president.

(h) License Fee. License fee means the consideration required of a licensee for the right to use a campus housing facility for a fee period.

(i) Service Fee. Service fee means a non-refundable fee required of a licensee to cover the added costs incurred in collecting and processing a license fee by installments.

(j) Late Fee. Late fee means a payment required of a licensee who fails to pay any fee when due.

(k) Advance Payment of Fees. Advance payment of fees means the receipt by the president of the license fee and any security deposit or service fee from a licensee on or before the first day of the fee period or due date of any payment by installment.

(l) Reservation. Reservation means a confirmation by the president, upon receipt of the designated advance payment of fees, that a housing facility will be made available in accordance with this Article.

(m) Cancellation. Cancellation means the termination of a reservation by the licensee as provided in this Article, prior to the beginning of the fee period.

(n) Vacating. Vacating means the termination of a license by the licensee as provided in this Article, on or after the beginning of the fee period.

(o) Revocation. Revocation means the termination of a reservation or license by the president as provided in this Article, whether before, on, or after the beginning of a fee period.

(p) Visitor. Visitor means any person permitted by the licensee or president to visit a housing facility.

(q) Guest. Guest means any person other than a Licensee, who is permitted by a Licensee and approved by the campus president or designee to occupy and/or reside in any housing facility.

(r) Guest Fee. Guest fee means the consideration required of a guest for the use of a campus housing facility.

(s) Administrative Necessity. Administrative necessity exists when any condition not reasonably foreseen at the time of confirming a reservation, issuing a license, or renewing a license occurs and prevents the campus from making or continuing to make a housing facility available to the licensee. Such conditions shall include, but not be limited to, damage caused by floods, slides, fire, earthquake, other natural disasters and vandalism; civil disorder; compliance with state or federal law; or interruption of basic services because of labor strife. Such conditions shall also include a drop in the rate of cancellations not reasonably foreseen by the campus, if such drop results in an overbooking of available housing facilities.

(t) Shall and May. The word "shall" means that the action is mandatory. The word "may" means that the action is permissive.

NOTE: Authority cited: Sections 66600, 89030, 89035, and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. Repealer of Article 5 (Sections 42000–42013) and new Article 5 (Sections 42000–42024) filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31). For former history, see Registers 65, No. 20; 67, No. 32; and 72, No. 35.
2. Amendment of subsection (d) and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Amendment of subsections (b), (f) and (q) filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42001. License.

Each licensee shall sign the license on or before the beginning of the fee period. Any licensee who is a minor shall have his or her parent or guardian sign the license as a guarantor. When reasonably necessary, the president may require a guarantor for other licensees. The campus shall retain the license and a copy of the terms and conditions thereof shall be provided to the licensee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42002. Assignment of Priority.

Students of a campus shall have first priority to use student housing facilities of that campus, with the exception of space granted to special programs by the campus president as outlined in Section 42003.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42003. Special Group Arrangements.

University housing facilities may be made available to individuals and groups by the campus president or designee. Groups must authorize a representative to execute an appropriate agreement on behalf of the group, which agreement shall set forth the fee established by the Chancellor to be charged of such groups. Any group may, at the discretion of the campus president or designee, be exempted from the payment of a security deposit.

A charge in addition to the fee established by the Chancellor pursuant to Section 42004 may be made by the campus of individuals or groups to cover additional costs whenever additional services, materials, goods, or special supervision are required.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42004. Schedule of Fees.

All fees authorized by this Article shall be charged in accordance with a schedule of fees periodically established by the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42005. Approved Guests.

Guests of a Licensee. Licensee shall secure such approval as is required by the campus president or designee prior to inviting any person to be a guest of the Licensee.

Guest–related policies and approved length of stay shall be in accordance with the guest–related policies as determined by the campus and stated in the Housing License Agreement. Licensee will be responsible for non–compliance of guest registration and may be held responsible for the behavior of his/her guest (registered or not).

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42006. Non–Approved Guests.

Non–approved guests of a Licensee may be charged a fee established pursuant to Section 42004 of this Article. If a Licensee knew or should have known that one of his/her invitees would make use of their assigned living space and failed to secure approval of the campus president or designee prior to such use, that Licensee shall be liable for the fee and other guest–related charges.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42007. Licensee's Responsibility for Conduct of Visitors and Guests.

A Licensee may be jointly and severally liable with guests or visitors of such Licensee for all negligent or intentional damage to any university housing facility caused by such guests or visitors as described within the Housing License Agreement of said campus.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42008. Advanced Payment of Fees.

Except as authorized by Section 42010, all fees are due and payable in advance. A late fee may be charged of a Licensee who fails to pay any fee when due.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42009. Installment Payments.

A campus president or designee may permit a Licensee to pay license fees in installments, provided each installment is paid in advance of the period covered by the installment, and provided further that the Licensee pays the service fee established pursuant to Section 42004.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42010. Deferment of Fee Payment.

A campus president or designee may defer payment of license fees for Licensees who are able to demonstrate that they will receive federal, state, or other financial aid and that such aid will be distributed to the Licensee subsequent to the beginning of the fee period. A demonstration of this kind shall include appropriate verification by the campus financial aid office. The Chancellor shall establish terms and conditions for the administration of this section.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42011. Failure to Pay Fees.

Except as authorized by Section 42010, any Licensee who fails to pay all fees and charges in advance shall have his or her license revoked as of the last day covered by any prior license fee period.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42012. Termination of Use of the Facility.

The Licensee shall vacate the student housing facility to which the Licensee is assigned on the expiration of the license period, or upon termination of his or her license to use the facilities, whichever is sooner. Any Licensee who does not vacate the student housing facility as required by this section shall be evicted in the manner provided by the laws of the State of California and charged a daily rate through the length of stay. The campus may charge any other applicable fees or charges. The matter shall be referred to the CSU Office of General Counsel for appropriate legal action. Any property of the Licensee remaining in the student housing facility may be removed and stored by the campus at the expense and risk of the Licensee and will be disposed of pursuant to the laws of the State of California as outlined in Title 5, Section 42375, entitled Care, Restitution, Sale or Destruction of Lost Property, and Section 42376, entitled Proceeds of Sale.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42013. Revocation of Reservation or License.

A campus president or designee may revoke a reservation or license for the following reasons:

(a) Disciplinary action taken against the licensee pursuant to Sections 41301–41304 of Article 2 of Subchapter 4 of this Chapter;

(b) Because of administrative necessity of the campus;

(c) Licensee's failure to maintain status as a student as defined by Section 42000 (other than pursuant to discipline);

(d) Licensee's breach of any of the terms and conditions of the license, including failure to pay required fees.

Whenever the campus president or designee revokes a reservation or a license, he or she shall give the licensee reasonable notice of the revocation. Notice of revocation of a license shall be served in the manner prescribed by Section 1162 of the Code of Civil Procedure.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42014. Security Deposits.

A licensee may be required to pay a refundable security deposit. The purpose of the security deposit is to assure the campus that the facility will be occupied by the licensee for the fee period, that all housing fees will be paid, that no damage or loss of property or extraordinary wear will occur and that the housing facility will be left in a reasonably clean condition. The Chancellor shall determine, on a campus–by–campus basis as recommended by the president, whether or not a security deposit will be charged of licensees and, if so, the amount of such deposit.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42015. Cancellation of Reservation.

If written notice of cancellation of a reservation for a housing facility is received by the president at least 30 days prior to the beginning of the fee period, the reservation and any license shall be canceled. If a licensee requests to cancel a reservation less than 30 days prior to the beginning of the fee period, the request shall contain the reasons therefor. The president, using the standards established pursuant to Section 42017 of this Article, may grant or deny the request to cancel.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42016. Notice of Vacating.

Any licensee who requests to vacate a housing facility shall give at least 30 days' written notice of intention to vacate and the reasons therefor. The president, using the standards established pursuant to Section 42017, may grant or deny the request to vacate.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42017. Acceptance of Request to Cancel or Vacate.

The president shall identify in the license reasonable standards that he or she will apply in determining whether to grant or deny a request to cancel a reservation less than 30 days prior to the beginning of the fee period or a request to vacate.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42018. Waiver of Notice.

Any notice period described in Sections 42015, 42016, or 42019 may be waived by the campus president or designee when the reason for the cancellation, vacating, or withdrawal is due to a cause beyond the control of the Licensee and the specified notice could not otherwise have been given. The campus president or designee shall determine whether such

cause exists based on verified documentation and his/her determination shall be final.

NOTE: Authority cited: Sections 66000, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42019. Cancellation, Vacating, or Revocation—Obligation of the Licensee.

The following table indicates the obligation of the licensee (as specified in Subsection C of this Section 42019) under conditions of cancellation, vacating or revocation.

	Amount of Obligation
A. Prior to beginning of fee period.	
1. Request by licensee to cancel reservation.	
a. with 30–day notice	1
b. with less than 30–day notice	
1) president waives notice	1
2) president does not waive notice but does grant request to cancel	3
3) president does not waive notice and does not grant request to cancel	2
2. Revocation of reservation by the president, all instances	1
B. On or after beginning of fee period	
1. Request by a licensee to vacate	
a. with 30–day notice	
1) president approves the request	3
2) president denies the request	4
b. with less than 30–day notice	
1) president approves the request and waives notice	5
2) president approves the request but full notice	3
3) president denies the request	4
2. Revocation of license by the president.	
a. as a result of disciplinary pursuant to Sections 41301–41304 of Article 2 of Subchapter 4 of this Chapter	4
b. because of administrative necessity.	5
c. because licensee is no longer a student (other than pursuant to discipline):	
1) academically dismissed	5
2) all other withdraws:	
a) with 30–day notice of withdraw	3
b) with less than 30–day notice of withdraw	
(1) president waives notice	5
(2) president does not waive notice	3
d. breach of terms or conditions of the license, including nonpayment of fees	4

C. Amount of obligation to the licensee.

1. Licensee has no financial obligation other than the non–refundable service fee.

2. Except as provided in Subsection D of this Section, licensee shall owe the amount due under the full fee period of the license.

3. Except as provided in Subsection D of this Section, licensee shall owe an amount equal to a prorated charge for each day from the beginning of the fee period, through the end of the required notice period, plus any charge authorized by Section 42021 of this Article.

4. Except as provided in Subsection D of this Section, licensee shall owe the amount due under the full fee period of the license, plus any charge authorized by Section 42021.

5. Licensee shall owe an amount equal to a prorated charge for each day from the beginning of the fee period through the last day of occupancy, plus any charge authorized by Section 42021.

D. Mitigation. The campus president or designee shall minimize the obligation of a Licensee by applying a prorated credit for each day during the fee period that the campus has been able to cover its damages. Factors to be considered in determining whether the campus has been able to cover its damages for purposes of this Subsection may include, but not be limited to: (1) whether the campus is able to re–license the student housing facility to someone else prior to the end of the fee period; (2) the amount of the fee at which the student housing facility is re–licensed; (3) the vacancy rate of the residence hall (or other state owned or operated dwelling) within which the housing facility is located; and (4) financial considerations of the campus housing system.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. Amendment of subdivision B. filed 1–30–79; effective thirtieth day thereafter (Register 79, No. 5).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of paragraph D. filed 8–23–2007; operative 8–23–2007. Submitted to OAL for printing only (Register 2007, No. 34).

§ 42020. Refund Policy.

In instances of cancellation, revocation, or vacating, the licensee shall owe fees as provided in Section 42019 of this Article, regardless of whether the licensee ever assumed actual occupancy and regardless of whether a licensee who has assumed actual occupancy moves out of the facility prior to the designated period of obligation. The campus shall refund all money collected in excess of such obligation as soon as reasonably possible.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42021. Offset Against Refunds.

Any refunds authorized by this Article shall be offset by the cost of restoring damaged or lost or destroyed property, normal wear and tear excepted, and by the added cost of cleaning a housing facility that has not been left in a reasonably clean condition. Such offset shall be applied first to the security deposit, and should that deposit be insufficient, the offset will be applied to any prepaid license fee. Should both the security deposit and prepaid license fee be insufficient to cover these costs, the licensee shall promptly pay for the difference.

Prior to exercising an offset pursuant to this section the president shall notify the licensee of the basis for the proposed action and afford the licensee an opportunity to question the process.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42022. Fees Collected in Error.

Notwithstanding any other provision of this Article, a campus shall refund all fees collected in error.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42023. Collection of Miscellaneous Fees.

The president may collect membership fees on behalf of housing clubs or organizations and may disburse such membership fees to the club or organization, provided that membership in such club or organization is voluntary.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42024. Amendment to Regulations.

The terms and conditions under which a licensee occupies assigned housing facilities are subject to change or modification as effected by amendment to these regulations.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 6. Meals

§ 42100. Required Purchase of Meals.

A president may require all licensees to purchase meals at specified campus food service facilities. If a licensee shows good cause, the president may excuse the licensee from purchasing meals at facilities on the campus.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. Repealer of Article 6 (Sections 42100, 42101) and new Article 6 (Sections 42100, 42102, 42103) filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31). For former history, see Register 72, No. 35.
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42102. Payment of Fees.

Payment of meal fees shall be made in the same fashion as payment of the license fee pursuant to Article 5 of this Subchapter.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Section 90000, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42103. Disposition of Fees Collected.

Campus food services may be offered through the Dormitory Revenue Fund or through contract with an appropriate campus auxiliary organization or food servicing enterprise as determined by the Chancellor, in consultation with the president. A campus may collect fees for such services in accordance with Section 42102 of this Article and may place such fees in the Dormitory Revenue Fund or disburse such fees to the appropriate campus auxiliary organization or food service enterprise.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700 and 90012, Education Code. Reference: Sections 89901 and 90074, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 7. Parking

§ 42200. Driving and Parking Vehicles on Campus Property.

No person shall drive any vehicle, nor shall any person stop, park, or leave standing any vehicle upon the driveways, paths, parking facilities or grounds of any campus, except with the permission of the president of the campus, and then subject to the following limitations and conditions:

(a) The president of the campus shall designate the driveways on the campus under his or her direction which shall be open to public traffic and shall place appropriate signs indicating the time and the conditions under which said driveways may be used.

(b) The president of the campus shall designate, subject to the limitations and conditions in subdivision (c), the areas on the campus set aside for the parking of automobiles by students, by employees of the campus, and by the general public. Appropriate signs indicating the time and the conditions under which the parking of automobiles is permitted in the areas so designated shall be placed at or near such parking areas.

(c)Vehicles displaying a valid campus parking permit and a distinguishing license plate or placard issued by the State of California's Department of Motor Vehicles, or by the appropriate authority of another state, issued for a vehicle registered to a disabled person or a vehicle used primarily to transport a disabled person, shall be allowed to park for unlimited periods in any of the following areas:

(1) In any area designated by the president pursuant to subdivision (b) including areas reserved for employees of the campus excluding any area for which parking is prohibited for all vehicles or parking is reserved for police, emergency, service, or other such special vehicles.

(2) In any metered parking space without being required to pay a parking meter fee.

NOTE: Authority cited: Sections 67311.5, 89030, 89031, and 90012, Education Code; and Section 21113, Vehicle Code. Reference: Sections 67311.5, 89030, 89031, 89701, and 90012, Education Code; and Section 21113, Vehicle Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of subsection (b) and NOTE and adoption of subsection (c) filed 1–2–92; operative 2–3–92 (Register 92, No. 11).

§ 42201. Campus Parking Fees.

(a) Permission of the president of a campus to stop, park or leave standing a vehicle on property of a campus may be granted to persons who have paid a parking fee or have been granted a parking fee waiver subject to the limits and conditions in subsection (b)(6). The fee and refund of the fee shall be in accordance with schedules approved by the Trustees. Proportionate charges shall be made for lesser periods or occasional use of parking areas. Payment of prescribed parking fees by deposit of coins in mechanical devices provided by the campus shall constitute compliance with this section. Evidence of compliance with this section shall be demonstrated by display in plain view on each vehicle of a valid parking permit or by other means prescribed by the president. The president of the campus shall provide parking fee financial assistance to any student with disabilities who has demonstrated financial need according to the need analysis procedure for campus based financial aid authorized by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. § 1087kk et seq.), and who possesses a distinguishing license plate or placard issued by the State of California's Department of Motor Vehicles or by the appropriate authority of another state, and who requests such assistance. The president shall establish procedures for meeting such need by providing financial aid or by issuing a campus parking fee waiver.

(b) The payment of a fee shall not be required of:

(1) Persons stopping or parking a vehicle when necessary to avoid conflict with other traffic or in compliance with a traffic control signal device or the direction of the Campus Police or a Campus Police Officer in the control of traffic;

(2) Persons, not employed by the campus, visiting the campus for the purpose of transacting state business with the campus;

(3) Persons stopping or parking a vehicle temporarily in areas designated by the campus for the purpose of loading or unloading merchandise or picking up or discharging passengers;

(4) Persons temporarily stopping, parking, or leaving a vehicle where such vehicle is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle on said property;

(5) Occupants of residence halls constructed under the State College Revenue Bond Act of 1947 to whom parking facilities have been assigned pursuant to Section 42202.

(6) Students with disabilities who possess a distinguishing license plate or placard issued by the State of California's Department of Motor Vehicles or by the appropriate authority of another state, and who have demonstrated financial need for parking fee financial assistance as determined by the campus president according to the need analysis procedure for campus based financial aid authorized by Title IV of the federal High-

er Education Act of 1965, as amended (20 U.S.C. § 1087kk et seq.), and have received a campus parking fee waiver.

NOTE: Authority cited: Sections 89030, 89700, 89701 and 90012, Education Code. Reference: Sections 89701 and 67311.5, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 67, No. 32.
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Amendment of subsection (a) filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
5. Amendment of subsection (a), new subsection (b)(6) and amendment of NOTE filed 9–1–94; operative 9–1–94 (Register 94, No. 35).

§ 42202. State College Revenue Bond Parking Facilities.

(a) To the extent available, parking facilities constructed prior to July 1966 under the State College Revenue Bond Act of 1947 are to be assigned to occupants of the residence halls constructed under the act on a first come first served basis.

If any spaces are unassigned to such occupants, they may be made available to students and other persons. All users of such spaces shall pay a parking fee. Such fees shall be in accordance with the schedules of fees approved by the Trustees and shall be in amounts not less than those required by the provisions of any indenture issued or resolution adopted pursuant to that act. Proportionate charges shall be made for lesser periods or occasional use of parking areas.

(b) Payment of prescribed parking rental by deposit of coins in mechanical devices provided by the campus shall constitute compliance with this section. Evidence of compliance with this section shall be demonstrated by display in plain view on each vehicle of a valid parking permit or by other means prescribed by the president.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700, 89701 and 90012, Education Code; and Section 21113, Vehicle Code. Reference: Sections 66600 and 89030, Education Code.

[The next page is 253.]

HISTORY
1. Amendment of subsection (b) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 67, No. 32.
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42203. Headquarters Parking.

As used in Sections 42200 and 42201 of this Article the terms "campus" or "any campus" include the Headquarters of The California State University and the term "president" includes the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89700, 89701 and 90012, Education Code; and Section 21113 Vehicle Code. Reference: Sections 89700 and 89701, Education Code; and Section 21113, Vehicle Code.

HISTORY
1. New section filed 10–1–76; effective thirtieth day thereafter (Register 76, No. 40).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 8. Gifts, Donations, and Bequests to California State University

§ 42300. Determination of Beneficial Nature of Gift and Acceptance.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89720, Education Code.

HISTORY
1. Amendment filed 6–30–65; effective thirtieth day thereafter (Register 65, No. 11).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Repealer filed 9–26–97; operative 9–26–97. Submitted to OAL for printing only (Register 98, No. 20).

§ 42301. Notice of Acceptance and Declaration of Benefit.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 89720, Education Code.

HISTORY
1. Amendment filed 6–30–65; effective thirtieth day thereafter (Register 65, No. 11).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Repealer filed 9–26–97; operative 9–26–97. Submitted to OAL for printing only (Register 98, No. 20).

Article 9. Use of California State University Buildings and Grounds

§ 42350. Definitions.

As used in this Article the following definitions apply:

(a) "Sale," "selling" or "purchasing" mean an activity creating an obligation to transfer property or services for a valuable consideration.

(b) "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.

(c) "Solicitation" means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."

(d) "Private sale" means occasional selling between persons who are campus students or employees.

(e) "Commercial transaction" means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.

(f) "Campus president" means those persons referred to in Section 42355 and includes their designees.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY
1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42350.1. Commercial Transactions.

(a) Commercial transactions and the display of property or services for sale on a campus is prohibited except with written permission by the campus president. Such permission shall be granted if

(i) the proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or

(ii) the prospective buyer has agreed in writing in advance to an appointment, and the prospective seller makes no more than one appointment for any day, and such appointment does not interfere with the operation of the campus.

(b) This section shall not apply to private sales.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY
1. New section filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42350.5. Solicitation.

(a) Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus president as to time, place and manner thereof. Solicitation in violation of established campus directives regarding time, place and manner is prohibited.

(b) All directives issued by the campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY
1. New section filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42350.6. Commercial Solicitation.

(a) Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus president. Permission for commercial solicitation shall be granted by the campus president subject, however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.

(b) Sites available to marketers of student credit cards shall be limited and registered with the campus administration. Those marketers shall be prohibited from offering gifts to students for filling out student credit cards applications. As used in this section, "student credit cards" shall have the meaning in Civil Code section 1747.02(m).

(c) All directives issued by the campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

NOTE: Authority cited: Sections 89030 and 89031, Education Code. Reference: Sections 89031 and 99030, Education Code.

HISTORY
1. New section filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. New subsection (b), subsection relettering and amendment of NOTE filed 2–8–2002; operative 2–8–2002. Submitted to OAL for printing only (Register 2002, No. 9).

§ 42351. Selling of Published Materials.

(a) Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:

(i) such published materials are not available for sale at the campus bookstore, and

(ii) the selling or display of such published materials is conducted in compliance with any time, place and manner directives adopted by the president, and

(iii) the published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).

(b) Selling or displaying for sale of published materials in violation of subsection (a) is prohibited.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY

1. Amendment of Subsection (a) filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment of Subsection (a) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42352. Handbills and Circulars.

(a) No person or persons shall, upon any of the grounds of any campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising.

(b) The distribution of written or printed matter shall be permitted on campus, subject, however, to reasonable directives by the campus president as to the time, place and manner thereof. All directives issued by a campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354. Distribution of written or printed matter in violation of established campus directives regarding time, place and manner is prohibited.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY

1. Amendment filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of Subsection (c) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
5. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42353. Public Meetings, Performances, Rallies and Similar Events.

(a) The president of the campus may permit the use of campus buildings and grounds for public meetings, performances, rallies and similar events held in accordance with reasonable directives issued by the respective campus president as to the time, place and manner thereof. Any such event occurring on campus in violation of established campus directives regarding time, place and manner is prohibited.

(b) All directives issued by a campus president pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35).
2. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42353.1. Bicycles, Skateboards, Roller Skates, and Animals.

(a) The president of the campus may permit forms of transportation on the campus in accordance with reasonable directives issued by the campus president. No person shall use forms of transportation upon the campus driveways, pathways, parking facilities or grounds except in accordance with directives issued by the campus president. The campus president may designate the campus areas that shall be open to use of forms of transportation, and shall place appropriate signs indicating the time and the conditions for their use. "Forms of transportation," shall include bicycles, motorized bicycles, scooters, motorized scooters, skateboards, roller skates including inline skates, and other forms of transportation that are not motor vehicles.

(b) No person shall bring an animal onto the grounds or into the buildings of a campus except in accordance with directives issued by the campus president. The president of the campus may permit animals on campus in accordance with reasonable directives issued by the campus president. The president shall consider such factors as the safety of the campus community, cleanliness of the buildings and grounds of the campus, and the needs of the animal's owner as in the case of service animals.

NOTE: Authority cited: Sections 89030 and 89031, Education Code; and Section 21113, Vehicle Code. Reference: Section 89031, Education Code; and Section 21113, Vehicle Code.

HISTORY

1. New section filed 2–2–2004; operative 2–2–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 8).

§ 42354. Notice.

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to use of CSU buildings and grounds and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

NOTE: Authority cited: Sections 89030 and 89031, Education Code. Reference: Section 89031, Education Code; and Section 21113, Vehicle Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Editorial correction of Authority cite (Register 95, No. 9).
4. Amendment of section and NOTE filed 2–2–2004; operative 2–2–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 8).

§ 42355. Headquarters.

As used in Sections 42350 through 42354 of this Article and where appropriate the terms "campus" or "any campus" include the Headquarters of The California State University and the terms "President" or "President of the campus" include the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89031 and 89035, Education Code. Reference: Section 89031, Education Code.

HISTORY

1. New section filed 1–10–77; effective thirtieth day thereafter (Register 77, No. 3).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42356. Smoking on Campus.

The president of each campus and the Chancellor for the headquarters office may adopt rules regulating smoking on the campuses and property of the California State University. The regulation shall seek to mitigate exposure to second hand smoke. Notice shall be posted at or near the principal entrances of each campus or property calling attention to the existence of the rules.

NOTE: Authority cited: Sections 89030 and 89031, Education Code. Reference: Section 89031, Education Code; and Sections 7596 *et seq.* and 19994.30 *et seq.*, Government Code.

HISTORY

1. New section filed 9–30–2002; operative 9–30–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 1).
2. Change without regulatory effect adding section to Reference citations filed 3–29–2007; operative 3–29–2007 pursuant to Education Code section 89030.1(e). Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2007, No. 13).

Article 10. Disposition of Lost Property

§ 42375. Care, Restitution, Sale or Destruction of Lost Property.

The Chancellor or his designee may provide for the care, restitution, sale or destruction of unclaimed, lost or abandoned property in the possession of any campus in accordance with California Civil Code Section 2080.9.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 2080.9, Civil Code. Reference: Section 2080.9, Civil Code.

HISTORY

1. New Article 10 (Sections 42375 and 42376) filed 10–11–68; effective thirtieth day thereafter (Register 68, No. 38).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42376. Proceeds of Sale.

Money received by reason of a sale pursuant to Section 42375 shall be used for scholarships and loans to students enrolled at the campus at which such sale is held. Criteria of eligibility and procedures for the award of such scholarships and loans shall be established by the campus at which the award is made. While held pending the grant of a scholarship or loan, such money may be invested by the State Treasurer upon approval of the Chancellor or designee, in those eligible securities listed in Section 16430 of the Government Code, in which event all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 2080.9, Civil Code. Reference: Section 2080.9, Civil Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 11. Means of Collection

§ 42380. Debts Owed California State University.

As used in this Article 11, a "debt" is an unpaid obligation of a student or former student, however incurred, arising while the debtor was a student, for loans, services, use of facilities or equipment, materials, food, or merchandise furnished to the student by the California State University.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New Article 11 (#T5 42380, 42381) filed 10–8–71; effective thirtieth day thereafter (Register 71, No. 41).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42381. Withholding of Services for Non–Payment of Debts.

The Chancellor may authorize a president of a campus, or designee, to withhold permission to register, to use facilities for which a fee is authorized to be charged, to receive services, materials, food or merchandise, or any combination of the above from any person owing a debt as defined in Section 42380. The Chancellor is authorized to establish and from time to time revise procedures for the implementation of this Section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 12. State College Special Projects Fund

§ 42390. Rules and Procedures of State College Special Projects Fund.

The Chancellor shall establish rules and procedures under which the State College Special Projects Fund shall operate. The Chancellor may delegate to the Presidents authority with respect to the operation of research, workshops, conferences, institutes, and special projects, all under the State College Special Projects Fund, on their campuses. The Chancellor shall report to the Board on procedures issued or revised pursuant to this Section.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89725, Education Code. Reference: Section 89725, Education Code.

HISTORY

1. New Article 12 (Section 42390) filed 2–6–73; effective thirtieth day thereafter (Register 73, No. 6).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 13. Emergency Meeting

§ 42395. Rules and Procedures for Emergency Meeting of the Board of Trustees.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Section 11125(a), Government Code.

HISTORY

1. New Article 13 (Section 42395) filed 2–6–76; effective thirtieth day thereafter (Register 76, No. 6).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Repealer of article 13 (section 42395) and section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 14. Privacy and Personal Information Management

§ 42396. Privacy.

The Board of Trustees recognizes that the right of privacy is an inalienable right protected by Section 1, Article 1 of the California Constitution. To confirm past practices with respect to this right and to further implement this right within and throughout the California State University, the Trustees have adopted this Article.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New Article 14 (Sections 42396, 42396.1–42396.5) filed 2–18–77; effective thirtieth day thereafter (Register 77, No. 8).

2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42396.1. Definitions.

The following definitions shall apply to this Article:

(a) The phrase "personal information" means any record of information which is retrieved by the name of a person or by some identifying particular assigned to the person.

(b) The term "person" means a natural person.

(c) The term "system" means an official file or collection of files containing personal information.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42396.2. Principles of Personal Information Management.

The following principles of personal information management shall be implemented within The California State University:

(a) There should be no personal information system the existence of which is secret.

(b) Personal information should not be collected unless the need for it has been clearly established in advance.

(c) Personal information should be appropriate and relevant to the purpose for which it has been collected.

(d) Personal information should not be transferred outside The California State University unless the transfer is compatible with the disclosed purpose for which it was collected.

(e) Personal information should be used as a basis for a decision only when it is accurate and relevant.

(f) There should be procedures established by which a person may learn what personal information about him or her has been retained by The California State University and where lawful, have those records disclosed to him or her, pursuant to the provisions of this Article.

(g) There should be established within The California State University procedures by which a person may request in writing addition to or deletion of personal information about himself or herself which does not meet the principles in this section. Such requests should be honored within a reasonable length of time or the person should be permitted to file a concise statement of dispute regarding the personal information which shall become a permanent part of the record, or, the disputed personal information should be destroyed.

(h) Precautions should be taken to prevent the unauthorized access to or use of personal information retained by The California State University.

These principles shall be construed and implemented so as to be consistent with all federal and state laws otherwise regulating or allowing for the use of personal information, including but not limited to Education Code Section 89546 relating to employee records and Education Code Sections 67000–67147.5 relating to student records.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42396.3. Exemptions.

No provision of this Article shall be construed to require access to records that are exempted or privileged from disclosure by state or federal law.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42396.4. Administrative Implementation.

This Article shall be implemented by the Chancellor. The Chancellor may establish policies and procedures to administer the use of personal information by The California State University. Appropriate consideration shall be given to the impact such implementation, policies and procedures will have upon budgetary and administrative limitations affecting The California State University.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42396.5. Continuing Review of Information Management Practices.

The Chancellor shall establish appropriate policies and procedures to review on a regular and continuing basis the coordination and use of information within the California State University. The results of this review will be made known regularly to the Chancellor for appropriate consideration.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 15. Alumni Associations

§ 42397. Purpose.

Campus alumni organizations aid the California State University in achieving its goals by providing leadership in fostering participation and support of campus priorities and representing alumni interests. As a public trust and the beneficiary of the support provided by alumni associations, the trustees are obligated to require that the funds raised by alumni associations be properly controlled and expended. Consequently, it is the intent of the trustees (1) to develop policies and procedures governing the recognition and management of alumni organizations, including the use of funds and institutional resources and, (2) to ensure cooperative and collaborative efforts between the alumni organizations and the campuses. To accomplish this, the campus president has the responsibility of granting and periodically reviewing recognition of a campus alumni association. These provisions govern the relationship between the alumni association and the campus it supports.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New article 15 (sections 42397–42397.11) and section filed 11–20–2002; operative 11–20–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.1. Recognition.

(a) A campus president, by agreement between the campus and the organization, may recognize as the campus alumni association a single campuswide organization that has the following characteristics:

(1) is organized and operated solely for the benefit of the university and its alumni;

(2) has as its purpose providing service and support to its members, the alumni of the campus, and to the university;

(3) does not restrict membership or benefits of membership on the basis of race, religion, national origin, gender, physical disability or sexual orientation;

(4) recognizes the unique role of the campus president in setting campus priorities;

(5) is the umbrella organization for the constituency alumni groups of the campus; and

(6) irrevocably dedicates its assets for the benefit of a campus of the California State University. In the event of the association's dissolution, its assets shall be transferred to the campus or an auxiliary organization designated by the campus president for purposes consistent with the purposes of the association and the terms of the individual gifts that are part of the assets, and, if a corporation, in conformance with the California Nonprofit Corporation Law.

(b) Each recognized alumni association shall enter into an agreement with the campus that shall include the following:

(1) the provisions of this article shall be incorporated by reference;

(2) the exchange of value between the campus and the alumni association shall be expressed and may include provision of facilities and other tangible as well as intangible exchanges;

(3) a license agreement for use of the campus name and symbols;

(4) authority and responsibility with regard to use of the campus alumni database; and

(5) the term of the agreement.

In addition, the agreement may include other provisions unique to each campus and alumni association such as the following:

(6) financial management and record keeping arrangements between the parties;

(7) provisions for the construction and operation of an on–campus alumni center;

(8) provisions for use of alumni association name and symbols; and

(9) such other provisions that may pertain to the relationship between the campus and the alumni association.

(c) Compliance with this article and the agreement between the campus and the alumni association is a condition of continued recognition. A copy of this article and the agreement shall be given to all members of the campus alumni association's governing body and to any new member of the governing body when the new member takes office.

(d) To obtain and maintain recognition, the campus alumni association shall submit the following to the campus president or designee on an annual basis or otherwise as specified by the campus president:

(1) a current list of officers, members of the governing body, and the principal contact person for the organization;

(2) a statement of the organization's purpose and goals consistent with subsection (a) and copies of the current enabling documents of the organization (*i.e.*, bylaws, constitution, articles of incorporation, or other governing document);

(3) a current roster of names and addresses of donors and members, unless such records are otherwise maintained by the campus;

(4) a statement signed by the officers/representatives of the organization that the governing body has read and formally voted that it will comply with this article and the agreement;

(5) a copy of the organization's annual financial statements;

(6) for an organization with accounts at a financial institution, a list identifying all such accounts, including the institution's name and address, the organization's account numbers, and a statement signed by an appropriate officer or representative of the organization authorizing the campus to obtain upon request from the financial institution information, records, or photocopies of transactions relating to the accounts; and

(7) for an incorporated, tax–exempt organization, (A) a copy of the organization's state and federal tax–exempt status determination letter; (B) a copy of the organization's most recent Internal Revenue Service Form 990; and (C) a list of the types of activities, including fundraising and membership drives, the organization intends to undertake and how the organization intends to financially support these activities.

(e) The following are among the privileges that may be granted by the campus president to a recognized campus alumni association:

(1) use of the name of the campus and symbols, including the name of its mascot or other identifying marks that would cause the public to assume it is dealing with the university or a university recognized group;

(2) use of the campus as approved by the campus president or designee in performance of an association's recognized activities; and

(3) use of a campus auxiliary organization's investment services, as approved by the campus president or designee.

(f) Under the authority of the campus president, the recognized campus alumni association may be assigned the responsibility of ensuring that all geographical and special interest chapters of the campus alumni association, as well as other recognized constituency alumni groups, are in compliance with this article.

(g) After July 1, 2003, use of the campus name and symbols, including mascot or other identifying mark, by an organization that has operated as a campus alumni association, is prohibited unless the organization has been recognized by the campus as the campus alumni association under the provisions of this article. A campus alumni association that meets the criteria of this article and has been recognized as the campus alumni association shall not have that recognition withdrawn by the campus president except for material noncompliance with this article, after having been given an opportunity to correct the noncompliance.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11–20–2002; operative 11–20–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.2. Organization.

(a) A campus alumni association may be included as part of the university or an auxiliary organization or, if organizationally separate from the university or an auxiliary organization, shall obtain and maintain status as a tax–exempt organization under state and federal law.

(b) The campus president or designee shall be an *ex officio* voting or non voting member of the association's governing body.

(c) Campus presidents are responsible for determining that campus alumni associations are in compliance with this article and have authority to require campus alumni associations to provide written evidence of compliance.

(d) Campus presidents may, after consultation with the campus alumni association, establish additional written campus policies governing campus alumni associations consistent with this article. Copies of these policies and any amendments thereto shall be forwarded promptly upon their issuance to the Chancellor.

(e) A campus alumni association shall comply with campus policies pertaining to use of the campus name and symbols.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11–20–2002; operative 11–20–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.3. Fundraising.

(a) Fundraising campaigns proposed by a campus alumni association shall be approved in advance in writing by the campus president or designee as provided in campus policy. Solicitations of membership dues do not require such advance approval and are not fundraising within the meaning of this article. All fundraising campaigns shall be coordinated through the campus development office. Campus alumni associations may accept gifts only if the associations comply with the financial policies of this article, including, for alumni associations separate from the state, maintaining state and federal tax–exempt status. Campus alumni associations shall acknowledge and thank donors who have made gifts in a manner consistent with campus development policies.

(b) A campus alumni association shall advise donors that any restrictive terms and conditions attached to gifts for the campus are subject to campus approval.

(c) All gifts for the benefit of a campus alumni association shall be reported by the association to the campus president or designee.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11–20–2002; operative 11–20–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.4. Financial Activities.

(a) Financial Control: Financial activities of a campus alumni association shall be administered and reported to its governing body in accordance with prudent business practices, generally accepted accounting principles, and this article.

(b) State Funds: State Funds shall not be transferred to a campus alumni association. Payments for commensurate value received are permitted, but gifts or unrestricted grants are not.

(c) Submission of Budget and Report of Expenditures: The campus alumni association shall submit its budget to the campus president for review at least 30 days prior to the commencement of the fiscal year. Within 180 days of the close of each fiscal year, the campus alumni association shall submit to the campus president a detailed report comparing budgeted to actual expenditures by fund source. Upon request, a campus alumni association shall submit to the president, within 30 days of such request, interim financial information.

(d) Bonding and Insurance: The governing body of a campus alumni association shall make an express determination of the appropriateness, necessity, and amounts of any bonds for officers and staff members. General liability and directors' and officers' liability insurance also shall be obtained in amounts determined annually by the governing body to be reasonable, appropriate, and necessary. The insurance may be provided by a campus auxiliary organization. Any general liability insurance obtained by or on behalf of a campus alumni association shall name the campus as an additional insured.

(e) Funds for Support of University Departments: Restricted funds received or unrestricted funds, including investment payout, allocated for support of campus departments or programs, shall be transferred at least annually to the campus, unless otherwise provided by the campus president, and shall be administered in accordance with campus policies and expended from campus department or program accounts.

(f) Bank Accounts: Only the following expenditures for campus alumni association activities may be made from bank accounts:

(1) payments for goods, facilities, and services including salaries of staff, if the goods, facilities, and services are in connection with official activities of the campus alumni association;

(2) payments for audit, tax preparation, and legal fees;

(3) payments to donors and members to refund contributions and dues as permitted by law, or to return overpayments pursuant to a donor's or member's request;

(4) payments to other organizations of donations or other remittances made in error;

(5) transfers to the campus or a campus auxiliary organization;

(6) travel expenses reimbursement, scholarships, support of campus activities; and

(7) legally appropriate payments from its bank account to support ballot measures beneficial to the university and endorsed by the trustees.

(g) Disbursements: All disbursements on behalf of a campus alumni association shall be approved by an officer or employee designated by the governing body. The governing body of the campus alumni association shall specify an amount beyond which checks must bear the signatures of two persons designated by the governing body.

(h) Financial Statements: Financial statements and expenditures by a campus alumni association shall be in accordance with campus policies, with detailed budgets approved by the campus alumni association's governing body.

(i) Payments to University Employees: A campus alumni association shall not (a) directly or indirectly employ, (b) supplement the salary of, or (c) provide any consulting fees, loans, or perquisites to campus employees outside of established personnel policies and practices of the California State University.

(j) Payments to Directors and Officers: Except for reimbursement for expenses incurred on its behalf, a campus alumni association shall not pay any salaries, consulting fees, loans, or perquisites to a campus alumni association director, officer, or volunteer without the campus president's prior written approval.

(k) Deposit of Gifts to the Campus: Campus funds or gifts payable to the California State University shall not be deposited with or transferred to a campus alumni association.

(*l*) Solicitation Literature: When a fundraising campaign has been approved by the campus president, a campus alumni association's solicitation literature shall make it clear when gifts are to be made payable to the campus alumni association. Each campus alumni association shall develop a procedure to document when gifts intended for it have erroneously been made payable to the campus and, when such documentation is provided, the campus may issue an exchange check to a campus alumni association.

(m) Gift Expenses: If charges against gifts are to be made for costs of administering a gift to the campus alumni association, the campus alumni association shall include in its literature a statement to that effect. The charges shall be approved by the campus president and the campus alumni association's governing body, and the nature of such charges shall be disclosed in the campus alumni association's audited financial statement.

(n) Report to Registry of Charitable Trusts and Statement of Domestic Nonprofit Corporation: Complete copies of the campus alumni association's annual report to the State Registry of Charitable Trusts and biannual Statement of Domestic Nonprofit Corporation shall be provided by the campus alumni association to the campus president, at the time the report or statement is filed.

(o) Political Activities: No substantial part (as those terms are used in the Internal Revenue Code and regulations) of the activities of a campus alumni association shall attempt to influence legislation, or participate or intervene in any political campaign in support of or opposition to legislation. No part of those activities may be on behalf of any candidate for public office. However, advocacy on behalf of the campus is permitted if it is consistent with the legislative, budgetary, and electoral objectives of the university, pursued in coordination with the campus president, consistent with state law, the Internal Revenue Code and regulations, and in accordance with the articles and bylaws of the campus alumni association.

(p) Conflicts of Interest: Business transactions involving the campus alumni association and the personal or business affairs of a director, officer, or staff member shall be approved in advance by the governing body. In addition, directors, officers, and staff members of a campus alumni association shall disqualify themselves from making, participating in making, or in any way attempting to use their official positions to influence a decision in which they have or would have a financial interest, as provided in Government Code Section 87100 and the definitions of the Political Reform Act and its implementing regulations, as if the director, officer, or staff member were a state employee. A financial interest exists if it is reasonably foreseeable that the decision will have a material financial effect on the director, officer, or staff member or his or her immediate family, or on any business entity in which a $2,000 or more investment is held; any real property in which a $2,000 or more interest is held; any source of income of $500 or more received within the past 12 months; any donor of gifts aggregating $250 or more received in the past 12 months; or any business in which a position of management is held.

(q) Services to Constituency Alumni Groups: With the approval of the campus president or designee, a campus alumni association may provide to officially recognized constituency alumni groups the following, subject to the same conditions pertaining to the campus alumni association: cash management, disbursement, and accounting services; gift reporting; and, in appropriate cases, coverage under the campus alumni association's insurance policies, inclusion in the campus alumni association's financial statements, external audits and tax reporting, or use of the campus alumni association's tax identification number.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11–20–2002; operative 11–20–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.5. Audit.

(a) A campus alumni association shall permit the Chancellor, the university auditor, the campus president, and the campus internal auditor or designee to inspect and audit its books and records as well as those of its financial institution(s) as relates to the campus alumni association's account(s). In addition, a campus alumni association shall permit the university auditor and the campus internal auditor to review directly all bank account records.

(b) A campus alumni association with annual gross revenues in excess of $1 million shall have an annual audit of its financial statements performed in accordance with generally accepted auditing standards and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee, by a certified public accountant selected by the alumni association.

(c) A campus alumni association with annual gross revenues in excess of $500 thousand and less than $1 million shall have an annual review of its financial statements performed by a certified public accountant selected by the alumni association in accordance with standards for accounting and review services and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee.

(d) A campus alumni association with annual gross revenues less than $500 thousand shall have its financial statements compiled by a certified public accountant selected by the alumni association in accordance with standards for accounting and review services and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee.

(e) A campus alumni association whose assets and records are in the custody of an auxiliary organization shall present its financial position through supplemental schedules attached to the audited financial statement of the auxiliary organization in sufficient detail to fully represent the financial position and activities of the alumni association. These schedules shall be subjected to the same procedures as the auxiliary's statements and in accordance with any additional systemwide procedures prescribed by the Chancellor or designee.

(f) When completed, the campus alumni association's financial statements shall be furnished to the campus president or designee on the date designated by the campus president or designee.

(g) A campus alumni association shall make its financial statements available upon request for public inspection within a reasonable period of time.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.6. Organization of Constituency Alumni Groups.

(a) A constituency alumni group organized after the effective date of this article shall be organized within and as part of the campus alumni association.

(1) A constituency alumni group representing a school, college, department, or other unit shall secure the endorsement of the school, college, department, or other unit. The administrative head of the represented unit or designee shall periodically review and provide advice concerning the planned activities of the constituency alumni group, and shall serve as an *ex officio* voting or nonvoting member of the governing body of the constituency alumni group, if any, or of any executive or similar committee empowered to act for the governing body, if any, of the constituency alumni group.

(2) A constituency alumni group, as part of the campus alumni association, shall comply with all applicable campus policies and campus alumni association policies.

(b) A constituency alumni group separately organized prior to the effective date of this article shall be organized within and become a part of the campus alumni organization and shall comply with subdivision (a), unless the campus president enters into an agreement with the constituency alumni group which provides as follows:

(1) The separate constituency alumni group agrees to the following characteristics:

a. is organized and operated solely for the benefit of the campus and the alumni of a school, college, department, or other campus administrative, academic, geographic, or other constituent unit;

b. has as its purpose providing service and support to its members, the alumni of a constituent unit, and to the university;

c. does not restrict membership or benefits of membership on the basis of race, religion, national origin, gender, or sexual orientation;

d. recognizes the unique role of the campus president or designee in setting campus or campus unit priorities; and irrevocably dedicates its assets for the benefit of the campus or appropriate unit of the campus. In the event of the group's dissolution, its assets shall be transferred to the campus alumni association, the campus, an appropriate unit of the campus, or an auxiliary organization designated by the campus for purposes consistent with the purposes of the group and the terms of any individual gifts that are part of its assets, and, if a corporation, in conformance with the California Nonprofit Corporation Laws.

e. A constituency alumni group representing a school, college, department, or other unit shall secure the endorsement of the school, college, department, or other unit. The administrative head of the represented unit shall periodically review and provide advice concerning the planned activities of the constituency alumni group and shall serve as an *ex officio* voting or nonvoting member of the governing body of the constituency alumni group, if any, or of any executive or similar committee empowered to act for the governing body, if any, of the constituency alumni group.

(2) The separate constituency alumni group agrees to obtain and maintain recognition, as a separate constituency alumni group by submitting the following to the campus president or designee on an annual basis or otherwise as specified by the campus president:

a. a current list of officers, members of the governing body, and the principal contact person for the group;

b. a statement of the group's purpose and goals consistent with subsection (a) and copies of the current enabling documents of the group (*i.e.*, bylaws, constitution, articles of incorporation, or other governing document);

c. a current roster of names and addresses of donors and members, unless such records are otherwise maintained by the campus;

d. a statement signed by the officers/representatives of the group that the governing body has read and formally voted that it will comply with this article and the agreement;

e. a copy of the group's annual financial statements;

f. for a group with accounts at a financial institution, a list identifying all such accounts, including the institution's name and address, the group's account numbers, and a statement signed by an appropriate officer or representative of the group authorizing the campus to obtain upon request from the financial institution information, records, or photocopies of transactions relating to the accounts;

g. for an incorporated, tax-exempt organization, (A) a copy of the organization's state and federal tax-exempt status determination letter; (B) a copy of the organization's most recent Internal Revenue Service Form 990; and (C) a list of the types of activities, including fundraising and membership drives, the organization intends to undertake and how the organization intends to financially support these activities.

(3) The provisions of this article shall be incorporated by reference;

(4) The exchange of value between the campus and the constituency alumni group shall be expressed and may include provision of facilities and other tangible as well as intangible exchanges;

(5) A license agreement for use of the campus name and symbols; and

(6) The term of the agreement.

(7) Privileges granted including authorization to use the name of the campus or other institutional unit. Without authorization, no group may:

a. represent itself as raising funds or otherwise providing support on behalf of or for the benefit of the campus, or any part of it, including its alumni;

b. use the name of the campus or any of its facilities or programs either expressly or by implication in connection with its activities; or

c. use campus facilities or resources in connection with its activities.

(8) If a separate constituency alumni group does not comply with this article, the campus president or designee shall by written notice require the constituency alumni group to comply within 90 days or recognition as a constituency alumni group will be withdrawn.

a. In the event the group fails to comply within this time period, the campus president or designee may withdraw the constituency alumni group's recognition. In appropriate circumstances, the campus president may extend the period for compliance when action to remedy noncompliance is in progress.

b. Upon withdrawal of recognition, the assets of the constituency alumni group shall be transferred to the campus alumni association, the campus, or the designated campus auxiliary organization for purposes consistent with the purposes of the group and the terms of any individual gifts that are part of the assets.

(9) Use of the campus or unit name and symbols, including mascot or other identifying mark by a separate constituency alumni group after July 1, 2003, is prohibited unless the group has entered into an agreement and has been recognized by the campus under the provisions of this article.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.7. Fundraising by Constituency Alumni Groups.

Fundraising activities of constituency alumni groups shall be governed by the fundraising provisions of this article applicable to campus alumni associations.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.8. Financial Activities of Constituency Alumni Groups.

Financial activities of constituency alumni groups shall be governed by the financial activities provisions of this article applicable to campus alumni associations.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.9. Audit of Constituency Alumni Groups.

The audit requirements of constituency alumni groups shall be governed by the audit provisions of this article applicable to campus alumni associations.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.10. Waiver.

For good cause and to address circumstances unique to a campus, a campus president may request that the Chancellor waive certain provisions of this article for a particular group or groups on that campus. Such waiver shall be in writing and shall specify the reasons for the waiver. Any waiver shall be subject to such terms and conditions as deemed advisable by the Chancellor.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

§ 42397.11. CSU Alumni Council and Systemwide Constituency Alumni Groups.

(a) The Chancellor may recognize a CSU Alumni Council having systemwide jurisdiction and possessing rights to represent the CSU alumni organizations before the Trustees. The Council shall be governed by the provisions of this article applicable to campus alumni associations with the system and the Chancellor replacing the campus and the campus president in those provisions.

(b) Systemwide constituency alumni groups may be recognized and regulated by the Chancellor as provided in the provisions of this article relating to campus constituency alumni groups. Systemwide constituency alumni groups shall relate to the CSU Alumni Council as provided in the provisions of this article addressing campus constituency alumni groups and their relationship to the campus alumni associations. The provisions of the campus constituency alumni groups shall apply to systemwide constituency alumni groups with the Chancellor or designee assuming the rights and responsibilities of the campus president or designee.

NOTE: Authority cited: Sections 89030 and 89031.1, Education Code. Reference: Sections 89030 and 89902, Education Code.

HISTORY

1. New section filed 11-20-2002; operative 11-20-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 5).

Subchapter 6. Auxiliary Organizations

Article 1. General

§ 42400. Definition.

As used in this Subchapter 6, a campus auxiliary organization, hereinafter called an "auxiliary" organization, is an organization which is (a) included in the list of auxiliary organizations in good standing maintained by the Chancellor pursuant to Section 42406, infra, and/or (b) which is an organization specified in Education Code Section 89900, which is any organization using the name of the State or a campus, or representing an official relationship with a campus, or in which any campus official participates as a director as part of his official position. The term, "auxiliary organization" as used herein, includes student body organizations and other student groups which are subject to the provisions of Educatio Code Section 89900; provided, that other than student body organizations, all student clubs, societies, sororities, fraternities and similar student groups not operating any commercial activity at the campus, are not subject to the further provisions of this Article, and may represent an official relationship to the campus and may use its facilities, subject to such policies and conditions as the Board of Trustees and the campus president may from time to time establish.

NOTE: Authority cited for Subchapter 5: Sections 66600, 66606, 89030, 89300, 89301, 89302 and 89900, Education Code.

HISTORY

1. Amendment filed 4-1-69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of section and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).

§ 42401. Declaration of Policy.

Auxiliary organization activities are essential to the educational program of a campus, including service functions, and are an integral part of the campus program and shall be so operated. The objectives of the auxiliary organizations are as follows:

(a) To provide for student self-government, and

(b) To provide the fiscal means and the management procedures that allow the campus to carry on activities providing those instructional and service aids not normally furnished by the State budget, and

(c) To provide effective operation and to eliminate the undue difficulty which would otherwise arise under the usual governmental budgetary, purchasing, and other fiscal controls, and

(d) To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the campus in accordance with sound business practices.

NOTE: Authority cited: Sections 66600, 66606, 89030 and 89900, Education Code. Reference: Sections 89300 and 89900, Education Code.

HISTORY

1. Amendment filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).

§ 42402. Authority of Campus President.

The president of each campus is responsible for the educational effectiveness, academic excellence, and general welfare of the campus, over which he presides. As stated, auxiliary organizations operate as an integral part of the overall campus program. Therefore, for the president to exercise his responsibility over the entire campus program, he shall require that auxiliary organizations operate in conformity with policy of the Board of Trustees and the campus.

To execute this authority, the president shall require that each auxiliary organization submit its programs and budgets for review at a time and in a manner specified by the president. Should the president determine that any program or appropriation planned by an auxiliary organization is not consistent with policy of the Board of Trustees and the campus, the program or appropriation shall not be implemented. Further, should a program or appropriation which had received approval, upon review, be determined by the president to be operating outside the acceptable policy of the Board of Trustees and the campus, then that program or appropriation shall be discontinued by direction of the president until further review is accomplished and an appropriate adjustment is made.

HISTORY

1. Amendment filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).

§ 42403. Funds.

(a) All funds and money collected by or on behalf of a student body organization except funds and money collected from commercial services as provided in Education Code Section 89905, shall be deposited in trust by the chief fiscal officer of the campus in accordance with procedures approved by an appropriate officer of the student body organization. Such funds and money shall, subject to the approval of the campus president or designee, be deposited or invested in any one or more of the ways specified in Section 89301 of the Education Code.

The chief fiscal officer of the campus shall be custodian of all funds and money collected by or on behalf of a student body organization and shall provide the necessary accounting records and controls for such funds. These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of the student body organization.

The student body organization shall reimburse the campus an amount to cover the cost of custodial and accounting services provided by the campus in connection with these funds.

(b) Trust funds shall be used specifically for the purpose designated in the instrument creating the trust.

(c) Funds of an auxiliary organization shall be used for purposes consistent with Board of Trustees and campus policy, and shall not be used:

(1) To support or oppose any candidate for public office, whether partisan or not, or to support or oppose any issue before the voters of this state or any subdivision thereof or any city, municipality, or local governmental entity of any kind except as may be permitted by Section 89300 of the Education Code. The prohibition of this subdivision shall not apply to:

(A) expressions published in the student press;

(B) support of a position taken by the Board of Trustees on an issue which the Board determines will significantly affect the California State University or any campus thereof.

(C) Paragraphs (A) and (B) of subdivision (c)(1) are exceptions to the prohibition of (c)(1) and shall not be construed as authorizing an expenditure of student body organization funds collected through mandatory fees not authorized by Section 42659.

(2) To make personal loans for non–educationally related purposes, except that such loans may be made when specifically authorized by a trust instrument under which the funds were received.

(d) Indemnity bonds shall be obtained by an auxiliary organization for officers and employees handling funds of the auxiliary organization.

(e) Donations and gifts to an auxiliary organization for research and other projects which are accepted, shall be accepted and maintained in accordance with policies and regulations established by the Board of Trustees.

NOTE: Authority cited: Sections 89030 and 89900, Education Code. Reference: Sections 89302 and 89900, Education Code.

HISTORY

1. Amendment of subsections (a) and (c)(1) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 74, No. 16.
2. Amendment of subsection (a) filed 1–30–79, effective thirtieth day thereafter (Register 79, No. 5).
3. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).
4. Amendment of subsection (c)(1) filed 6–1–88; operative 7–1–88 (Register 88, No. 23).

§ 42404. Records.

(a) An auxiliary organization shall maintain adequate records and shall prepare such periodic reports showing its operations and financial status as may be required by the Board of Trustees.

(b) All records of an auxiliary organization shall be open to the Board of Trustees and the Department of Finance for audits.

NOTE: Authority cited: Sections 66600, 89030, and 89900, Education Code. Reference: Sections 89900 and 89904, Education Code.

HISTORY

1. Amendment of subsection (b) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).

§ 42405. Employees.

(a) Except as otherwise provided in this Section, the governing board of each auxiliary organization shall provide salaries, working conditions and benefits for its full–time employees which are comparable to those provided campus employees performing substantially similar services. For those full–time employees who perform services that are not substantially similar to the services performed by campus employees, the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area or commercial operations of like nature.

(b) Notwithstanding anything in this Section to the contrary, the governing board of each auxiliary organization may withhold retirement benefits or permanent status benefits or both from temporary employees. For the purposes of this Section, a temporary employee is:

(1) An employee employed for a research project, workshop, institute or other special project funded by any grant, contract or gift; or

(2) An employee whose contract of employment is for a fixed term not exceeding three years.

(c) Notwithstanding anything in this Section to the contrary, the governing board of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this Section, an executive employee is any management employee with responsibility for the development and execution of auxiliary organization policy and includes, but is not limited to, general managers, managers, directors, and the like, as determined by the governing board of each auxiliary organization.

(d) At least annually, the Chancellor shall determine which of the auxiliary organizations included on the list prepared pursuant to Section 42406 is an auxiliary organization funded primarily by mandatory student fees collected by the Trustees. Notwithstanding anything in this Section to the contrary, the governing board of any auxiliary organization designated by the Chancellor as an auxiliary organization that is primarily funded by mandatory student fees collected by the Trustees may withhold retirement benefits from its employees.

(e) Notwithstanding anything in this Section to the contrary, the Chancellor may exempt the governing board of any newly created auxiliary organization from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Chancellor approves the establishment of the auxiliary organization pursuant to Section 42407.

(f) The Chancellor shall provide, and may from time to time revise, rules and procedures for the administration of this Section.

NOTE: Authority cited: Section 89900, Education Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment filed 12–13–77; effective thirtieth day thereafter (Register 77, No. 51).

§ 42406. List of Auxiliary Organizations in Good Standing.

The Chancellor shall prepare and keep current a list of organizations in good standing. All auxiliary organizations in compliance with rules and regulations of the Trustees, and provisions made thereunder, shall be included on the list. Where the Chancellor has reason to believe that a particular organization should be removed from said list, he will give the governing board of such organization, and the president of the campus, reasonable notice that a conference will be held to determine whether grounds for such removal do in fact exist, and representatives of said board shall be entitled to be present at such conference and to be heard. The Chancellor may make such provisions consistent with law as may in his judgment be appropriate with respect to further cooperation and agreements between any campus and an auxiliary organization not included on the said list.

HISTORY

1. New section filed 9–4–63; effective thirtieth day thereafter (Register 63, No. 15).
2. Amendment filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).

§ 42407. Establishment of Auxiliary Organizations.

No new auxiliary organization shall be established unless a recommendation accompanied by a justification is submitted by the president of the campus, and approval is given by the Chancellor.

NOTE: Authority cited: Sections 66600 and 89900, Education Code. Reference: Section 89900, Education Code.

HISTORY

1. New section filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).

§ 42408. Fiscal Audits.

(a) Each auxiliary organization shall have an annual fiscal audit performed by a certified public accountant selected by the auxiliary organization. When completed, the audit shall be furnished to the Chancellor or designee on the date or dates designated by the Chancellor or designee.

(b) The annual fiscal audits shall be performed in accordance with standard systemwide procedures prescribed by the Chancellor.

(c) Each auxiliary organization, in order to disseminate as widely as feasible the audited financial statements, shall:

(1) Publish the audited financial statements in a campus newspaper; or

(2) Publish a notice in a campus newspaper indicating the on–campus location where copies of the audited financial statements may be obtained or reviewed; or

(3) Publish or notice the audited statements in accordance with subdivision (1) or (2) in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

NOTE: Authority cited: Sections 89030 and 89900, Education Code. Reference: Sections 89900 and 89904, Education Code.

HISTORY

1. New section filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).
2. Amendment of subsections (a) and (b) and NOTE filed 12–2–98; operative 12–2–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 99, No. 5).

Article 2. Functions of Auxiliary Organizations and Requirement for Written Agreements

§ 42500. Functions of Auxiliary Organizations.

Auxiliary organizations are formed to provide essential functions which are an integral part of the educational mission of a campus and the California State University.

(a) The following functions have been determined by the Board to be appropriate for auxiliary organizations to perform in accordance with applicable policies, rules, and regulations:

(1) Student Body Organization Programs;

(2) Bookstores, Food Services, and Campus Services;

(3) Housing;

(4) Student Union Programs;

(5) Supplementary Health Services;

(6) Loans, Scholarships, Grants–in–Aids, Stipends, and Related Financial Assistance;

(7) Externally Funded Projects Including Research, Workshops, Conferences, and Institutes;

(8) Instructionally–related Programs, and activities, including Agriculture, Athletics, Radio and Television Stations, Newspapers, Films, Transportation, Printing and other Instructionally Related Programs and Activities;

(9) Alumni Programs;

(10) Gifts, bequests, devises, endowments, trusts and similar funds;

(11) Public relations, fundraising, fund management, and similar development programs;

(12) Acquisition, development, sale, and transfer of real and personal property including financing transactions related to these activities.

(b) Gifts, grants, or other donations received by an auxiliary organization shall be accepted, maintained, and used in accordance with policies, rules, and regulations of the Board of Trustees.

(c) Auxiliary organizations may issue debt instruments to finance or refinance projects in connection with their mission upon prior approval of the campus president and pursuant to policies of the Board of Trustees as may be implemented by the Chancellor. For purposes of this section, "debt instruments" means loans, notes, bonds, finance leases, installment purchase or sale agreements, and certificates of participation.

(d) Student loans, scholarships, stipends and grants–in–aid shall only be given to currently admitted students. A record of such financial assistance shall be forwarded on a timely basis to the campus financial aid office and shall be documented on student financial aid recipient records kept in that office. All such financial assistance provided from student body organization funds shall be approved by the campus financial aid office before such funds are expended, and shall not exceed amounts to be provided under regulations of federal and state financial aid programs, except as provided under section 42403, subdivision (b).

(e) An auxiliary organization shall not engage in a function not listed in subdivision (a) of this section unless an appropriate amendment is

made to subdivision (a) by the Board of Trustees, adding said function to the list of approved functions of auxiliary organizations, or unless such function is essential to satisfy the corporation laws of the State of California.

NOTE: Authority cited: Sections 89030 and 89900, Education Code. Reference: Section 89900, Education Code.

HISTORY

1. Amendment filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).
5. Amendment of subsection (a) filed 7–13–89; operative 8–12–89 (Register 89, No. 28).
6. Editorial correction of incorrect 4–1–90 printing (Register 90, No. 45).
7. Editorial correction of subsection (d) (Register 95, No. 47).
8. Amendment of section heading and subsections (a)(10), (a)(12), (d) and (e) and amendment of NOTE filed 12–2–98; operative 12–2–98. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 99, No. 5).
9. Amendment of subsection (c) filed 3–14–2000; operative 3–14–2000. Submitted to OAL for printing only (Register 2000, No. 11).

§ 42501. Requirement of Written Agreement.

A written agreement on behalf of the State of California by the Chancellor of The California State University, and the auxiliary organization is required for the performance by such auxiliary organization of any of the functions listed in Section 42500, except student body organization activities. If any auxiliary organization performs more than a single function, then the written agreement may cover any number of the functions it performs on the campus or a separate agreement may cover each function performed. Authority for agreements between the auxiliary organization and a student for student projects involving agricultural, vocational, or other instructional activities, is to be incorporated in the written agreement between the auxiliary and the State.

NOTE: Authority cited: Sections 66600, 89030 and 89900, Education Code. Reference: Section 89900, Education Code.

HISTORY

1. New section filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).
4. Amendment filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 42502. Contents of Written Agreement.

The written agreement required by Section 42501 shall, among other things, specify the following:

(a) The function or functions which the organization is to manage, operate or administer.

(b) The necessity for administration of the functions by the auxiliary organization instead of by the campus under usual state procedures.

(c) Service by any state officer or employee shall not be incompatible, inconsistent, or in conflict with his or her duties as a state officer or employee.

(d) The facilities to be made available to permit the auxiliary organization to perform the functions specified in the written agreement.

(e) The charge or rental to be paid for the facilities used in connection with the performance of its function. The charge or rental specified shall not require involved methods of computation, and should be identified in sufficient time before its incurrence so that the organization may determine to what extent it shall be liable therefor.

(f) Full reimbursement to the State for services performed by state employees under the direction of the organization. Methods of proration where services are performed by state employees for the organization shall be simple and equitable.

(g) A simple but equitable method of determining in advance to what extent the organization shall be liable for indirect costs.

(h) The responsibility for maintenance and payment of operating expenses.

(i) Proposed expenditures for public relations or other purposes which would serve to augment state appropriations for operation of the campus. With respect to expenditures for public relations or other purposes which would serve to augment state appropriations for operation of the campus, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the governing body of the auxiliary organization. The President shall file with the Chancellor, a statement of such policy on accumulation and use of public relations funds for all auxiliary organizations. The statement will include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.

(j) The disposition to be made of net earnings derived from the operation of facilities owned or leased by the auxiliary organization and provisions for reserves.

(k) The disposition to be made of net assets on dissolution of the auxiliary organization or cessation of the operations under the agreement.

(l) The covenant of the auxiliary organization to maintain its organization and to operate in accordance with the regulations contained in this Subchapter 6, and Board resolutions.

(m) The operations of auxiliary organizations shall be integrated with campus operations and so supervised as to comply with objectives stated in Section 42401.

NOTE: Authority cited: Sections 66000, 89030, and 89900, Education Code. Reference: Section 89900, Education Code.

HISTORY

1. Renumbered from #T5 42501 and amendment filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).

Article 3. Organization and Operation

§ 42600. Organization.

(a) An auxiliary organization which is not a corporation shall adopt a constitution and file a copy thereof with the Chancellor.

(b) By July 1, 1982, the articles of incorporation or constitution of an auxiliary organization shall contain a provision that upon dissolution of the organization, net assets, other than trust funds, shall be distributed to a successor approved by the president of the campus and by the Board of Trustees.

NOTE: Authority cited: Sections 66600, 66606, 89030 and 89900, Education Code. Reference: Section 89900, Education Code.

HISTORY

1. Amendment and new subsection (e)(4) filed 4–1–69; effective thirtieth day thereafter (Register 69, No. 14).
2. Amendment filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).

§ 42601. Operation.

All leasing of campus facilities shall be effected under provisions of Education Code, Section 89046 or other laws governing the leasing of state facilities.

NOTE: Authority cited: Sections 66600, 89030, and 89000, Education Code. Reference, Sections 89900 and 89046, Education Code.

HISTORY

1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment filed 9–15–81; effective thirtieth day thereafter (Register 81, No. 38).

§ 42602. Composition of Board of Directors.

The composition of the governing board of auxiliary organizations shall be as follows:

(a) Student Body Organizations. The governing board of student body organizations shall consist primarily of students, with a representative of the campus president to advise on policy and to provide liaison between the student governing board and the president of the campus.

(b) Other Auxiliary Organizations.

(1) Approved auxiliary organizations, other than student body organizations, operating on April 1, 1969, may continue the composition of their governing boards of directors existing at that time.

(2) Approved auxiliary organizations, other than student body organizations, operating on April 1, 1969, desiring to make a substantial change in their governing board's composition, and any auxiliary organization established after that date, shall have a governing board consisting of voting membership from the following categories:

(A) Administration and staff

(B) Faculty

(C) Noncampus personnel

(D) Students

(c) The size of the governing board of an auxiliary organization shall be at least large enough to accommodate the membership from the various categories which are required by this section.

NOTE: Authority cited: Sections 66600, 89030, and 89900, Education Code. Reference: Section 89903, Education Code.

HISTORY

1. New section filed 1-2-70; effective thirtieth day thereafter (Register 70, No. 1).
2. Amendment of subsections (a) and (b) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18)
4. Amendment filed 9-15-81; effective thirtieth day thereafter (Register 81, No. 38).

Article 4. Student Body Organization Funds

§ 42659. Approved Uses of Student Body Organization Funds.

The principle underlying the expenditure of student body organization funds collected through mandatory fees is that such expenditures shall be made in programs that reflect the broadest variety of student interests and that are open to all students who wish to participate. Student body organization funds obtained from mandatory fees may be expended for the following programs:

(a) Programs of cultural and educational enrichment and community service.

(b) Recreational and social activities.

(c) Support of student unions.

(d) Scholarships, stipends, and grants-in-aid for only currently admitted students in accordance with provisions of Section 42500, subdivision (d).

(e) Tutorial programs.

(f) Athletic programs, both intramural and intercollegiate.

(g) Student publications.

(h) Assistance to recognized student organizations.

(i) Student travel insurance.

(j) Administration of student fee program.

(k) Student government-scholarship stipends, grants-in-aid, and reimbursements to student officers for service to student government. Before such scholarship stipends, grants-in-aid, and reimbursements are established by a student body association, the principle of establishing such payments shall be approved by a student referendum.

(l) Student employment to provide payment for services in connection with the general administration of student fee.

(m) Augmentation of counseling services, including draft information, to be performed by the campus. Such counseling may also include counseling on legal matters to the extent of helping the student to determine whether he should retain legal counsel, and of referring him to legal counsel through a bar association, legal aid foundation or similar body.

(n) Transportation services.

(o) Child day care centers for children of students and employees of the campus.

(p) Augmentation of campus health services. Additional programs may be added by appropriate amendment to this section by the Board.

NOTE: Authority cited: Sections 66600, 89030, and 89900, Education Code. Reference: Sections 89300 and 89302, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 71, No. 51.
2. New subsection (q) filed 4-16-74; effective thirtieth day thereafter (Register 74, No. 16).
3. Amendment of subsection (p)(4) and repealer of subsection (q) filed 10-19-78; effective thirtieth day thereafter (Register 78, No. 42).
4. Amendment filed 9-15-81; effective thirtieth day thereafter (Register 81, No. 38).

§ 42659.1. Governmental Affairs Representatives.

NOTE: Authority cited: Sections 66600, 66606, 89030, 89035, 89300, 89302, Education Code.

HISTORY

1. New section filed 4-16-74; effective thirtieth day thereafter (Register 74, No. 16).
2. Repealer filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).

§ 42660. Financial Aid.

NOTE: Authority cited: Sections 66600, 66606, 89030, 89300 and 89302, Education Code.

HISTORY

1. New section filed 2-18-70; effective thirtieth day thereafter (Register 70, No. 8).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
4. Repealer filed 9-15-81; effective thirtieth day thereafter (Register 81, No. 38).

Article 5. Systemwide Auxiliary Organizations

§ 42665. Definition.

As used in this Article 5 a systemwide auxiliary organization is an auxiliary organization of the California State University (a) established pursuant to section 89900 *et seq.* of the Education Code; (b) included in the list of auxiliary organizations in good standing maintained by the chancellor pursuant to section 42406; (c) engaged in activities which are essential and integral to the mission and purpose of the California State University system; and (d) responsible to the chancellor who shall require that the systemwide auxiliary organization operate in conformity with the policy of the Board of Trustees and the policy of the chancellor.

NOTE: Authority cited: Sections 89030 and 89900, Education Code. Reference: Section 89900, et seq., Education Code.

HISTORY

1. New article 5 and section filed 7-24-95; operative 8-23-95 (Register 95, No. 30).

§ 42666. Requirements.

A systemwide auxiliary organization shall comply with the policies of this Subchapter 6 as they may relate to a systemwide context: (a) where the terms "president" or "campus" are used they shall mean "chancellor" or "California State University system," as appropriate; (b) sections and subsections which address student body organizations shall not apply to systemwide auxiliary organizations; and (c) composition of the governing board of directors prescribed in Section 42602 shall not apply to systemwide auxiliary organizations.

NOTE: Authority cited: Sections 89030 and 89900, Education Code. Reference: Section 89900, et seq., Education Code.

HISTORY
1. New section filed 7-24-95; operative 8-23-95 (Register 95, No. 30).

§ 42667. For-Profit Subsidiaries.

Subject to the approval of the chancellor and the Board of Trustees, a systemwide auxiliary organization may establish for-profit subsidiary organizations as long as neither the purpose of the systemwide auxiliary organization nor the nonprofit status of the systemwide auxiliary organization is compromised by the subsidiaries. The systemwide auxiliary organization shall cause a subsidiary organization to engage only in those activities which further the purposes of the systemwide auxiliary organization and which have been approved by the chancellor.

NOTE: Authority cited: Sections 89030 and 89900, Education Code. Reference: Section 89900, et seq., Education Code.

HISTORY
1. New section filed 7-24-95; operative 8-23-95 (Register 95, No. 30).

Subchapter 7. Employees

Article 1. Definitions

§ 42700. Definitions.

The following definitions shall apply as used in this subchapter:

(a) "Trustees" means the Board of Trustees of the California State University created by Section 66600 of the Education Code.

(b) "California State University" means all the California State University and the Office of the Chancellor.

(c) "Chancellor" means the Chancellor of the California State University.

(d) "Office of the Chancellor" means the central offices directed by the Chancellor.

(e) "Campus" means each institution of the California State University.

(f) "Position" means any office or employment in the California State University.

(g) "Classification" or "class" means a group of positions sufficiently similar with respect to duties and responsibilities that the same title may reasonably and fairly be used to designate such position allocated to the class and that substantially the same tests of fitness may be used and that substantially the same minimum qualifications may be made to apply with equity.

(h) "Employee" means a person legally holding a position in the California State University.

(i) "Appointing power" means a person or group having authority to make appointments to positions in the California State University. Unless otherwise provided by law, the appointing power shall be the campus President for campus employees and the Chancellor for employees in the Office of the Chancellor.

(j) "Appointment" means the offer to and acceptance by a person of employment in a position in the California State University. Appointments may be temporary, probationary, permanent or at the pleasure of the appointing authority. Appointments include various personnel actions such as initial appointments, reappointments (including reappointments which confer tenure or permanent status), promotions, transfers, demotions and reinstatements.

(k) "Layoff" means the separation of an employee from a position for lack of funds or lack of work.

(l) "Academic employee" means an employee engaged either (1) primarily in instruction who is employed and compensated on the basis of class and rank or (2) in very closely related professional activities such as those carried on by professional librarians on a campus. The classes of positions whose incumbents may be eligible for inclusion in the closely related area (2 above) will be determined by the Trustees after appropriate job studies, consultation with employees and administrators and subsequent classification plan readjustment. Specific decisions on individual incumbents will be made in light of these guidelines.

(m) "Administrative employee" means an employee engaged primarily in one or a combination of professional or quasi-professional activities. The classes of positions which will be placed in the administrative category will be determined by the Trustees after appropriate job studies, consultation with employees and administrators and subsequent classification plan readjustment.

(n) "Executive employee" means an employee with primary responsibility for the execution of policy and includes the Chancellor, vice chancellors and the campus presidents.

(o) "Nonacademic employees" means an employee who provides noninstructional and nonadministrative supporting services such as secretarial, clerical, and maintenance services. A nonacademic employee may have lead responsibility, but normally does not have responsibility for major decisions. Higher academic degrees are not an essential qualification for service as a nonacademic employee.

(p) "Academic-administrative assignment" means:

(1) A work assignment to be determined by the Trustees, filled by an academic (class and rank) or an administrative employee at a campus or the Chancellor's Office. The incumbent, while on academic-administrative assignment, serves in a key administrative capacity, planning, organizing and directing activities which relate to the instructional programs and/or participates in policy planning; or

(2) The work assignment of an administrative employee who has demonstrated to the president and the faculty or the Office of the Chancellor that the employee's job performance is, to a high degree, closely identified with the total management of a campus or the California State University. Classes of positions whose incumbents may be eligible for such assignment will be determined by the Trustees after appropriate job studies, consultation with employees and administrators and subsequent classification plan readjustment. Specific decisions on individual incumbents will be made in light of these guidelines.

(q) "Tenure" or "permanent" when used in relation to employment status means the right to continued employment on a particular campus or in the Office of the Chancellor unless dismissed for cause or laid off for lack of funds or lack of work.

(r) "Probationary period" means the period an employee must serve before becoming a tenured or permanent employee.

(s) "Probationary employee" means an employee who is serving a period of probation on a campus or in the Office of the Chancellor.

(t) "Quarter system year-round operations" means the offering by a campus of regular session instruction during each of the four quarters of a college year, where each such quarter is of approximately the same length.

(u) "Year of service" means:

(1) For academic employees on 12-month assignments, nonacademic employees, administrative employees and executive employees, any 12 consecutive months of full-time employment.

(2) For academic employees, nonacademic employees, administrative employees and executive employees, in cases where any such category of employee is serving on a 10-month assignment, 10 consecutive months of full-time employment.

(3) For academic employees on academic year appointments, an academic year of full-time employment.

(4) For Management Personnel Plan employees on academic year assignments, an academic year of full-time employment; for Management Personnel Plan employees on 10-month assignments, any 10 consecutive months of full-time employment; and for Management Personnel Plan employees on 12-month assignments, any 12 consecutive months of full-time employment.

(v) "Academic year" means:

(1) For campuses not on quarter system year-round operations, a total of two consecutive semesters, or three consecutive quarters, each semester or quarter being of the same approximate length as the other semester

or quarters, and which academic year commences with the opening of the fall term.

(2) For campuses on quarter system year–round operations, a total of any three quarters each of approximately the same length, in a period of four consecutive quarters, established pursuant to Article 2.5. A total of any six such quarters in a period of eight consecutive quarters, shall constitute two academic years.

(w) "College year" means that period of time, in which a campus offers regular session instruction, which period consists of two, three, or four regular terms.

(1) For campuses not on quarter system year–round operations, the college year is coterminous with the academic year.

(2) For campuses on quarter system year–round operations, the college year is composed of four consecutive quarters, each of approximately the same length and commencing with the opening of the summer quarter.

(x) "Lecturer" is a title used to cover a nonpermanent academic assignment normally of a visiting or part–time nature where the salary level of the individual is in accordance with the individual's qualifications.

(y) "Teaching service area" means a generally recognized subject matter field or a specialized curriculum depending on the manner in which faculty assignments are determined at a campus.

(z) "Triad", when used in relation to quarter system year–round operations, means a period of 36 months or 12 quarters, commencing in the case of each academic year employee at a campus or quarter system year–round operations, with the beginning of the first quarter of the employee's first academic year at such a campus.

(aa) "Qualifying monthly pay period" means, for purposes of computing credit for vacation with pay, a monthly pay period during which an employee is in pay status for eleven or more work days. Omission from pay status for more than eleven consecutive working days within two consecutive monthly pay periods bars one such period from being qualified.

(bb) "Management Personnel Plan employee" means an employee who has been designated as "management" or "supervisory" in accordance with the provisions of the Higher Education Employer–Employee Relations Act. The rights and responsibilities of a Management Personnel Plan employee shall be defined by those sections in Subchapter 7 which address Management Personnel Plan employees which sections shall supersede any other section of Subchapter 7 which may have applied to them prior to their having become Management Personnel Plan employees. A Management Personnel Plan employee is neither an administrative, academic, or nonacademic employee while serving in a Management Personnel Plan position. These previous designations shall be relevant only when a Management Personnel Plan employee exercises rights to retreat to a position in which permanent status or tenure was held prior to January 1, 1984. Only after reassuming such position shall the employee assume any rights or duties associated with administrative, academic or nonacademic status.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 67, No. 37.
2. Amendment of subsection (a) and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New subsection (aa) filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

Article 2. Staff Organization and Appointment of Employees

§ 42701. Consultative Procedure.

It is the policy of the Trustees that faculty be consulted on academic personnel matters. Each campus shall develop campus–wide procedures whereby only members of the faculty who are tenured, and such department chairmen and academic administrators as the campus procedures shall provide, may participate at any level of consideration in the deliberations or vote on recommendations relating to appointment, retention, tenure or promotion of faculty. The procedures shall provide that those making such recommendations should consider information from other faculty members and any other source, including, but not limited to students. The campus–wide procedures shall be consonant with the regulations, policies and procedures of the Board of Trustees and the Chancellor and shall be approved by the president.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Repealer and new section filed 7–27–71; effective thirtieth day thereafter (Register 71, No. 31). For prior history, see Register 71, No. 1.
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42702. Appointments.

Appointments shall be made as follows:

(a) All appointments shall be based solely on ability and fitness for the position to be filled.

(b) Persons whose names are on reemployment lists shall be offered reemployment in their previous classification before others are considered in filling vacancies and shall be given consideration appropriate to their qualifications for other available positions.

(c) Persons in nonacademic, administrative, or Management Personnel Plan positions accept and hold employment in a classification subject to assignment and reassignment to any position in that classification or other classifications appropriate to their qualifications and performance on a campus or in the Office of the Chancellor.

(d) The president of each campus or designee, using the consultative procedures established pursuant to section 42701 shall:

(1) Make all appointments of academic employees.

(2) Award or deny tenure to probationary academic employees.

(3) Make all promotions of academic employees. Only tenured faculty or those selected for the simultaneous award of tenure may be promoted to the ranks of associate professor or professor.

(e) Decisions made pursuant to subdivisions (d)(2) and (d)(3) of this section may be appealed to the Chancellor by the employee affected thereby.

(f) The president of each campus or designee, after consultation with representatives of the faculty senate or council, shall make all appointments to the positions of vice president and dean.

(g) The president of each campus or designee, subject to the approval of the Chancellor, shall reassign individuals serving in administrative positions to academic–administrative assignments.

(h) The president of each campus shall use the classes of positions established by the Trustees as being in the "closely related" academic area as guides in placing individual positions in that area.

(i) The president of each campus or designee shall make all appointments of administrative, nonacademic, and Management Personnel Plan employees.

(j) The Chancellor or designee

(1) shall make all appointments of employees in the Office of the Chancellor, except for vice chancellors,

(2) shall recommend to the Trustees the appointment of vice chancellors,

(3) shall make all appointments of acting presidents and,

(4) shall recommend to the Trustees two or more candidates for the presidency of a campus after receiving and considering recommendations from any source, including interested faculty.

(k) The Chancellor or designee:

(1) May review decisions made pursuant to subdivision (d) of this section at the instance of tenured members of the faculty involved in recommendations to the president or designee provided by section 42701.

(2) May review any action carried out under the provisions of article 2 or assume complete jurisdiction therein when the Chancellor determines such action to be necessary.

(l) The Trustees:

(1) Shall appoint the Chancellor, vice chancellors, upon recommendation of the Chancellor, the general counsel, and presidents other than acting presidents.

(2) May of their own motion, review any action carried out under the provisions of article 2 or assume complete jurisdiction therein when they determine such action to be necessary and may to the extent they deem advisable delegate their authority to the Faculty and Staff Affairs Committee.

(m) All appointments shall be made, and other budgetary, appointment, and classification forms shall be submitted, in accordance with procedures and forms established by the Chancellor or other lawful authority.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 71, No. 31.
2. Amendment of subsection (k) and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Amendment of subsections (c) and (i) filed 10–10–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 41).
5. Amendment of subsection (l) filed 5–24–91; operative 6–23–91 (Register 91, No. 27).

§ 42703. Terms of Appointment.

(a) The terms of appointment of nonacademic employees are provided in article 2 of chapter 5, division 8, part 55 of the Education Code. Nonacademic employees when the workload requires may be appointed on a temporary basis for not to exceed 10 months.

(b) Academic year employees shall be appointed initially for one academic year and thereafter in accordance with article 13 of this subchapter. Initial and subsequent appointments of academic year employees at campuses on quarter system year–round operations, shall also conform to article 2.5 of this subchapter. Temporary academic employees may be appointed for a shorter period.

(c) 12–month academic employees shall be appointed initially for one year and thereafter in accordance with article 13 of this subchapter.

(d) 10–month academic and other 10–month employees shall be appointed initially for 10 months and thereafter in accordance with article 13 and article 14, respectively, of this subchapter. For 10–month academic employees at campuses on quarter system year–round operations the beginning and ending dates of the 10–month period of service will be established at the time of appointment.

(e) Administrative employees shall be appointed initially for one year and thereafter in accordance with article 14 of this subchapter. Administrative employees when the workload requires may be appointed on a temporary basis for not to exceed ten months.

(f) Management Personnel Plan employees are appointed in accordance with article 2.2 of this subchapter.

(g) Executive employees shall not acquire tenure in executive positions. The chancellor, general counsel, and the campus presidents serve in their positions at the pleasure of the trustees. The vice chancellors serve in their positions at the pleasure of the chancellor who shall consult with the trustees prior to taking action to terminate a vice chancellor.

(h) Persons who are appointed to positions which are fully or partially funded from sources other than the California State University, where such funding is in support of a program of work relief or work training for the utilization of the unemployed or the under–employed, shall not receive credit toward tenure or permanent status while serving in such positions.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of subsection (a) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of subsection (g) filed 5–24–91; operative 6–23–91 (Register 91, No. 27).

§ 42704. Designation of Teaching Areas.

The President or designee of each campus, after appropriate consultation with department, division or school faculty, shall designate teaching service areas at the campus. The President or designee shall, after consultation with the academic teaching employee involved and with the members of each teaching service area involved, assign each campus academic teaching employee to one primary teaching service area and may assign each campus academic teaching employee to one or more secondary teaching service areas, as appropriate. Each teaching service area shall be designated so as to represent distinct curricular subdivisions and reflect discrete faculty competencies. The President or designee of each campus, after appropriate consultation as provided above, shall, at intervals of no more than five years, review and, as necessary, amend the designations of teaching service areas and the assignments of academic teaching employees to them to reflect changes in subject matter fields and specialized curriculums offered at the campus. Records shall be maintained by the campus of all such determinations.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 12–23–75; effective thirtieth day thereafter (Register 75, No. 52).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42705. Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Refiled 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 42711. Faculty.

The faculty of each campus shall consist of specialists qualified to give the instruction in each authorized curriculum. The doctorate or equivalent attainment shall be the desirable qualification for appointment to a campus faculty position. Equivalent attainments may be accepted:

(a) In those fields where the doctorate is not common, and

(b) In vocational fields where experience may be substituted for academic training.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42712. Other Employees.

Employees not included in Section 42711 shall be qualified to perform skillfully the duties of the respective positions.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Refiled 8–22–72; effective thirtieth day thereafter. (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42713. Work Assignments.

Each employee of the California State University shall be assigned to perform the duties included in the specifications of his or her position. Each full–time nonexempt employee normally shall work 40 hours a week and each part–time nonexempt employee a proportionate amount of time based on his or her assignment.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89502, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of section and NOTE filed 1–7–2002; operative 1–7–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 2).

§ 42714. Grievance Procedures for Academic Personnel.

HISTORY

1. Repealer filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25). For prior history, see Register 72, No. 35.

§ 42715. Pilot Modified College Year Program.

Notwithstanding any other provision of this Chapter 1, California State College, Stanislaus, is authorized to initiate and implement a pilot modified college year program, effective with the fall semester of 1973, pursuant to such administrative provisions as the Chancellor or his designee may establish for that purpose, which provisions are hereby authorized. The pilot program shall be for five college years, with annual evaluation. The modified college year may be composed of other than existing semester or quarter terms, but must be of a duration approved by the Chancellor or his designee.

The provisions adopted by the Chancellor or his designee shall provide that the teaching assignment for academic employees and the salary, sabbatical leave, sick leave and other employee benefits for the college year, shall be comparable to teaching assignments and benefits provided other employees of The California State University. Because of variations in the program during any particular term, it should be recognized that a teaching assignment for a given faculty member may vary from term to term during the course of the college year.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 7–19–73; effective thirtieth day thereafter (Register 73, No. 29).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 2.2. Management Personnel Plan

§ 42720. Structure.

(a) The California State University Management Personnel Plan is an integrated personnel system addressing the employment rights, benefits, and conditions of those California State University employees designated as "management" or "supervisory" under the Higher Education Employer–Employee Relations Act. The Management Personnel Plan includes four grade levels each with a salary delimited by minimum and maximum rates of salary determined by the Chancellor and approved by the Board of Trustees on the basis of comparative salary data from competitive public and private organizations. The salary ranges may be reviewed and adjusted as the Chancellor and the Trustees deem appropriate.

(b) The Chancellor or designee shall assign each Management Personnel Plan position to one of the four grade levels within the Management Personnel Plan. The assignment of a position to a particular grade level shall be based on an assessment of the skills, knowledges, and other qualifications needed to satisfactorily perform the position's assigned duties as well as the nature and complexity of the program or organizational unit managed or supervised by the position, the scope of management or supervisorial responsibility, job demands, extent of independent decision making authority, accountability, and impact of policies administered and/or decisions made. Working and organizational titles devised by the appointing power may be used to describe a Management Personnel Plan position and the assignment of a position to a grade level may vary from campus to campus depending on an assessment of the circumstances and factors on each campus.

(c) The Chancellor or designee may review and change the grade level to which a position in the Management Personnel Plan has been assigned using the criteria of subdivision (b). A Management Personnel Plan position shall remain in the grade level to which the position is assigned until a different grade level is assigned by the Chancellor or designee.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

HISTORY

1. New Article 2.2 (Sections 42720–42728) filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 42721. Salary Administration.

(a) Upon assignment of a position to one of the four Management Personnel Plan grade levels, the appointing power shall determine the salary to be paid and perquisites to be accorded to the employee in the position based upon the appointing power's assessment of the employee's merit and an assessment of the appointing power's need. Although no salary steps are prescribed, salary increments of approximately 1.0 percent shall be established for each salary range to facilitate salary administration and payroll processes.

(b) The appointing power may review and adjust a Management Personnel Plan employee's salary and perquisites. Such adjustment shall be based on the appointing power's evaluation of the employee's merit and the appointing power's need and shall be within funds allocated to the appointing power for such purpose. Adjustments of salary or perquisites or both salary and perquisites of a Management Personnel Plan employee shall be in accordance with a merit evaluation plan developed and administered by the appointing power. Unless otherwise prescribed by law, there shall be no general salary adjustments nor automatic adjustments for such employee. Adjustment of the salary range of an employee's grade level shall not automatically affect the employee's salary.

(c) The Chancellor shall budget a lump sum of money to each campus and to the headquarters office to support salary increases within funds available for this purpose. The Chancellor or President, as appropriate, shall determine the frequency and amount of salary and perquisite adjustments for Management Personnel Plan employees. An annual report of all employee compensation action taken shall be submitted by the campus President to the Chancellor or designee.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

§ 42722. Evaluation Plan.

The appointing power shall develop an evaluation plan outlining criteria and procedures for consideration of individual salary adjustments. Evaluation plans require standards of expectation for each grade level

against which superior, average, or unsatisfactory performance can be gauged, and against which the amount of a pay increase, if any, can be determined. The evaluation plan requires criteria that will assure equity in pay based on merit factors, including quality, productivity, and the like.

Management Personnel Plan employees shall be evaluated after six-months and one year of service, and subsequently at one year intervals. The criteria and process for evaluation shall be determined by the appointing power. Evaluation shall also form the basis for recommendations for management development, professional leaves or other activities related to career development and upward mobility.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

§ 42723. Employment Status.

(a) A Management Personnel Plan employee serves at the pleasure of the campus President or the Chancellor, as appropriate. A Management Personnel Plan employee shall not serve a probationary period and shall not receive permanent status.

(b) A Management Personnel Plan employee who had permanent status in a class prior to January 1, 1984 shall retain permanent status in the class despite inclusion as a Management Personnel Plan employee. A Management Personnel Plan employee who prior to January 1, 1984 was serving a probationary period may be awarded permanent status by the appointing power upon the successful conclusion of the probationary period. Upon acquisition of permanent status such an employee shall retain permanent status in the same manner as an employee who has permanent status prior to January 1, 1984.

(c) A Management Personnel Plan employee who retains permanent status under subdivision (b) and who is placed in or promoted to a position under the Management Personnel Plan shall retain retreat rights as described in this subdivision (c) to the former class in which permanent status is held. Should the appointing power terminate the Management Personnel Plan employee's service in a Management Personnel Plan position, the employee shall have the right to return to the former class in which permanent status is held at the salary last received in the permanent class.

(d) Except in the case of layoff, the President or Chancellor, as appropriate, shall give a Management Personnel Plan employee notice of termination at least three months prior to the employee's separation date or shall give a Management Personnel Plan employee corresponding salary in lieu of notice.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

HISTORY

1. Amendment of subsection (d) filed 5–19–2000; operative 5–19–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 42724. Promotion.

The appointing power may promote a Management Personnel Plan employee to a position with greater compensation either within the grade level to which the employee's position is assigned or to a different grade level. A promotion may be made after the appointing power has determined that the promotion is appropriate in light of its evaluation of the employee and the needs of The California State University. A promotion shall be made to a position which has been duly established by the Chancellor or designee, assigned by the Chancellor or designee to the appropriate grade level, and made available by the Chancellor or designee for use by the appointing power. Promotion actions will be in accordance with affirmative action guidelines and objectives.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

§ 42725. Reassignment.

The appointing power may assign a Management Personnel Plan employee to different duties in the same position or may reassign a Management Personnel Plan employee to a different position either within or outside of the grade level or the Plan when the appointing power determines that such assignment or reassignment is in the best interests of The California State University.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

§ 42726. Holidays, Vacation, and Sick Leave.

(a) Holidays. A Management Personnel Plan employee shall be entitled to holidays as provided in Section 42920 of this Subchapter 7.

(b) Vacation. A Management Personnel Plan employee shall accumulate vacation at a rate of 2 days per qualifying pay period and may accumulate vacation in an amount not to exceed 384 working hours for 10 or less years of qualifying service and 440 working hours for more than 10 years of qualifying service as provided in Sections 42902 and 42909, respectively, of this Subchapter 7. Any vacation which the appointing power allows to accumulate beyond the maximum shall be taken in the first quarter of the next calendar year. Vacation shall be taken as directed or authorized by the appointing power and shall be scheduled by mutual agreement whenever possible.

(c) Sick Leave. A Management Personnel Plan employee shall accumulate 8 hours of credit for sick leave with pay following completion of one month of continuous service. Thereafter for each additional calendar month of service, one day of credit for sick leave with pay shall be allowed. Sick leave may be accumulated without limit. Each Management Personnel Plan employee may be required by the appointing power to provide proof satisfactory to the appointing power of the necessity of taking sick leave.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

§ 42727. Professional Development.

(a) Professional development, maintenance of currency in the field, and professional improvement are normal requirements for retention and advancement in a position in the Management Personnel Plan. Each Management Personnel Plan employee is responsible to maintain currency in the field and to develop and improve management or supervisory skills whether at California State University or personal expense.

(b) A Management Personnel Plan employee may participate in programs and activities determined by the appointing power to develop, update or improve the employee's management or supervisory skills. The programs and activities may include professional leaves, administrative exchanges, academic coursework, and seminars. A Management Personnel Plan employee may participate in a program or activity only after the employee's participation has been approved by the appointing power and only to the extent that funds are available for this purpose.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

§ 42728. Reconsideration.

The Chancellor or the President, as appropriate, may prescribe an informal means of hearing complaints from Management Personnel Plan employees who serve in the Headquarters Office or at a campus of The California State University. The informal procedures so prescribed shall be the exclusive administrative remedy available to a Management Personnel Plan employee to address employee complaints or to seek reconsideration of any personnel decision allegedly adverse to the interests of the employee.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

HISTORY
1. Amendment filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 2.5. Academic Year Employees at Campuses on Quarter System Year–Round Operations

§ 42750. Policy.

It is the policy of the Board of Trustees, that the rights and benefits of faculty at a campus be fully protected upon the campus's conversion to quarter system year–round operations.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89080–89084, Education Code.

HISTORY
1. New Article 2.5 (Sections 42750 through 42754) filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42751. Establishment of Period of Four Consecutive Quarters During Which Three Quarters Academic Year of Service Is Performed.

Academic year employees will be appointed for an academic year composed of any three quarters out of four consecutive quarters. On campuses on quarter system year–round operations the period of four consecutive quarters within which an academic year employee serves shall begin with the quarter to which the employee is appointed. For continuing academic year employees, upon conversion of the campus to quarter system year–round operations, the period of four consecutive quarters shall begin with the fall quarter, provided, however, that continuing academic year employees who prior to conversion of their campus to quarter system year–round operations had served full time for the immediately preceding two semesters or three quarters, as the case may be, shall be considered to have served a full academic year for purposes of Section 42754.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42752. Assignment to Academic Quarters.

(a) The initial assignment pattern of the three quarters constituting the academic year of an academic year employee during his or her first academic year shall be established in advance of the employee's appointment, and stated in the employer's appointment or assignment letter.

(b) Following the initial academic year of service of a newly appointed academic year employee, and, for a continuing academic year employee upon the conversion of his or her campus to quarter system year–round operations, and thereafter, assignment and reassignment of patterns of the three quarters constituting the employee's academic year, and the time which a compensating quarter off may be taken pursuant to Section 42754, subdivision (e)(2), will be considered in light of the needs of the academic employee and the needs of the department, and mutually agreed at the department, division, or school level, as the campus shall determine. If such agreement is not reached at the level or levels selected by the campus for such determinations, the final decision will be made by the president, consistent with the resolutions of the Board of Trustees applicable to quarter system year–round operations.

(c) Assignment of an academic year employee to academic quarters pursuant to subdivision (b) of this Section shall be determined at as early a date as is feasible, but in any event, at least one full quarter, or in the case of a campus converting from a semester system to quarter system year–round operations, one full semester, in advance of the beginning of the next succeeding academic year, unless the employee consents to a later determination. No such assignment may be made more than three years in advance of the beginning of the academic year to which it relates. Assignments pursuant to this Article are without reference to decisions on appointment, retention and tenure, which decisions shall continue to be governed by Articles 2 and 13 of this Subchapter.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89080–89084, Education Code.

HISTORY
1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42753. Teaching Assignments.

(a) The pattern of instruction for full–time academic year employees at campuses on quarter system year–round operations shall be three quarters of four consecutive quarters, the fourth quarter of which shall be vacation except as otherwise provided in Section 42901, subdivision (b).

(b) The teaching assignment for academic year employees at campuses on quarter system year–round operations, shall be no greater than it is for such employees at campuses not on quarter system year–round operations. Because of variation in course offerings during any particular quarter, a teaching assignment for a faculty member may vary from quarter to quarter and from academic year to academic year.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89080–89084, Education Code.

HISTORY
1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42754. Teaching an Extra Quarter Assignment.

(a) As used in this Section, the term "extra quarter assignment" means an assignment given to an academic employee to teach full–time or part–time within the employee's four quarter period, a quarter other than one of the quarters which comprise the employee's academic year.

(b) In exceptional instances when the needs of the campus require it, an academic year employee may teach an extra quarter assignment. The employee will not, as a general policy, teach more than six consecutive quarters, and, subject to the exception in subdivision (e)(1), shall not teach more than the equivalent of seven consecutive full–time quarters in the California State University.

(c) No academic year employee shall teach an extra quarter assignment unless the employee agrees to do so.

(d) When an academic year employee teaches an extra quarter assignment, the employee may elect whether the work shall be for extra compensation or for a quarter off at a later date. Service for a quarter off at a later date must be full time for the entire quarter. The employee shall make the election by notifying the campus in the form and in the manner and by the time prescribed by the president.

(e) An academic year employee may teach extra quarter assignments either for extra compensation or for a compensating quarter off at a later date provided that:

(1) For extra compensation—the employee's teaching, including teaching pursuant to this subdivision (e), shall not exceed the equivalent of one quarter for extra compensation nor more than the equivalent of ten quarters during any triad. An exception may be granted by the campus president if an eleventh quarter assignment is essential to the offering of required instruction. No service credit for tenure, retirement, sabbatical leave, sick leave, or seniority, will be earned during this extra quarter; and

(2) For a compensating quarter off at a later date—the employee's teaching, including teaching pursuant to this subdivision (e), subject to the exception in subdivision (e)(1), shall not exceed the equivalent of ten quarters during any triad. Such compensating quarter off will normally be taken during the employee's next succeeding academic year, but may, with the approval of the campus president or designee, be taken at a later

time within 36 months of the completion of the extra quarter of service. No service credit for tenure, retirement, sabbatical leave, sick leave or seniority shall accrue during the period of the extra quarter assignment, but shall accrue with respect to the paid time taken as a compensating quarter off, in the same manner as though the employee had taught during the period of such compensating time off rather than during the period of the extra quarter assignment.

(f) As used in this article, the terms "teach" and "teaching" shall include service during a period of sabbatical leave taken pursuant to Article 5 (commencing with Section 43000) and service while on a special leave for research or creative activity, taken pursuant to Article 5.1 (commencing with Section 43050).

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 5–25–67 as an emergency; effective upon filing (Register 67, No. 21).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 9–11–67 (Register 67, No. 37).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment filed 8–11–82; effective thirtieth day thereafter (Register 82, No. 33).
5. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
6. Editorial correction of subsections (b) and (e) filed 2–23–83 (Register 83, No. 9).

§ 42755. Special Rule Applicable in Cases of Part–Time Service During Summer Quarters of 1966 and 1967.

HISTORY

1. Repealer filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.

§ 42760. Special Rule Applicable to Campuses Phasing out of Quarter System Year–Round Operations.

(a) The provisions of this section shall be applicable upon the determination by the Chancellor, in consultation with the president of the campus concerned, that it is necessary to phase out quarter system year–round operations at that campus for reasons of lack of financial support, Board of Trustee policy, or both.

(b) Upon a determination pursuant to subdivision (a) with respect to a particular campus, the president of that campus may authorize the waiver of any of the provisions of this Article (commencing with Section 42750) other than the obligation of the campus to compensate a faculty member for an extra quarter assignment and the provisions of subdivision (c) of Section 42754, but only if such waiver is determined to be necessary in a particular case in order to phase out quarter system year–round operations.

[The next page is 267.]

(c) Actions of a campus president pursuant to this section shall also be in conformance with such policy resolutions of the Board of Trustees as may be adopted, and with all other applicable requirements of law.

NOTE: Authority cited: Sections 66600, 8030, 89035 and 89500, Education Code. Reference: Sections 89080–89084, Education Code.

HISTORY

1. New section filed 12–29–70; effective thirtieth day thereafter (Register 71, No. 1).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 2.7. Twelve–Month Librarians Electing to Work on a Ten–Month Basis

§ 42770. Policy.

It is the policy of the Board of Trustees that the rights and benefits of librarians who elect to be employed on a ten–month basis pursuant to Education Code Section 89518 and Section 42771 of this Article shall be fully protected except for those rights and benefits based on compensation.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. New Article 2.7 (Sections 42770–42777) filed 4–2–76; effective thirtieth day thereafter (Register 76, No. 14).
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42771. Right of Election.

Any librarian employed on a twelve–month basis in a fiscal year may elect to be employed for one or more fiscal years on a ten–month basis. Once a notice of election has been filed for more than one fiscal year, the librarian with the consent of the president or designee, may reduce by one or more fiscal years the number of periods of ten–month service.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42772. Notice of Election.

Any librarian who intends to exercise a right of election pursuant to this Article shall notify the President or his or her designee in writing of such intent at least six months prior to the proposed effective date of the appointment to a ten–month position. The President or his or her designee may waive any or all of this required notice when, in his or her judgment, it would not disrupt the orderly functioning of the library.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42773. Compensation.

A librarian electing to be employed on a ten–month basis in one or more fiscal years shall have his or her compensation reduced for any such fiscal year in the same proportion as the compensation of instructional academic employees whose fiscal year employment basis is changed from a twelve–month basis to a ten–month basis. The ten–month salary shall be paid in twelve equal installments.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42774. Determination of Period of Service.

A librarian electing to be employed on a ten–month basis in a fiscal year must take two consecutive months off and those two months must be within the same fiscal year.

(a) For librarians with less than one full–time year of service or the equivalent, the two consecutive months off shall follow ten consecutive months of full–time service within the same fiscal year.

(b) For librarians with one or more years of full–time service or the equivalent, the two months off may be any consecutive two–month period within the same fiscal year period. In the event a librarian who has taken two months off prior to completing ten months of service in a fiscal year fails to complete ten months of service in that fiscal year; he or she shall reimburse the campus for all salary paid but not earned for that fiscal year. This obligation shall be exonerated if the failure of the employee to render such service is caused by his or her death or physical or mental disability.

(c) For librarians with one or more years of full–time service or the equivalent the librarian's selection of the particular two months off to be taken will normally be approved unless it is determined by the President or his or her designee that the library operations will be impaired. Should this occur, the President or his or her designee shall designate two or more alternate periods of two months from which the librarian will select two months off consistent with the requirements in (b) above.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42775. Delegation.

The Chancellor shall establish and may from time to time revise provisions for the administration of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42776. Definition.

For purposes of this Article, "librarian" includes all persons serving in professional librarian classes in the academic closely related category except librarians serving in academic–administrative assignments.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42777. Effective Date of Appointments to Ten–Month Positions.

Appointments made pursuant to Section 42771 of this Article shall be effective at the beginning of each fiscal year.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 3. Compensation and Pay Plan

§ 42800. Fixing of College Year, Semesters, Quarters, and Academic Holidays.

The President of each campus shall annually for pay plan purposes:

(a) Fix, and publish in the annual bulletin of the campus after consultation with the faculty council or senate, the beginning and ending dates for each of the following:

(1) The college year.

(2) The semesters or quarters, as the case may be.

(b) Fix, and publish in the annual bulletin of the campus all college academic holidays.

(c) Fix for the college year, with the approval of the Chancellor, the pay periods for academic year employees of the campus, hereinafter called academic pay periods. The first academic pay period of a semester or quarter may include up to 45 calendar days.

(d) Certify to the Chancellor and to the State Controller prior to the beginning of each college year of the campus:

(1) The academic pay periods of the campus for the year.

(2) The number of academic workdays in the college year and in each of the semesters or in each of the quarters of the campus, as fixed and published in the annual bulletin or as changed by the President with the approval of the Chancellor subsequent to such publication. Unless an academic holiday falls thereon, each Monday, Tuesday, Wednesday, Thursday, and Friday in the college year, semester, or quarter, as the case may be, is an academic workday therein, regardless of whether or not any such day is a legal holiday enumerated in Section 42920 of this Subchapter.

(e) Certify separately the college year, the academic pay periods, the number of academic workdays, and academic holidays for the laboratory demonstration elementary school whenever they differ from those of the campus; whenever the terms "college year," "academic pay period," "academic day," and "academic holiday" are hereinafter used in this Article, they shall refer to the facts so separately certified in any instance involving the pay plan of an academic year employee performing services in the campus laboratory demonstration school as an elementary teacher, principal, or supervisor. This certification shall be used only for the purpose of determining payments of salary to laboratory demonstration elementary school teachers, supervisors, and principals.

(f) Certify separately the college year, the semesters, the quarters, the academic pay periods, the number of academic workdays, and academic holidays for an off-campus center whenever they differ from those of the campus; whenever the terms "college year," "semesters," "academic pay period," "academic day," and "academic holiday" are hereinafter used in this article, they shall refer to the facts so separately certified in any instance involving the pay plan of an academic year employee performing services in an off-campus center.

(g) Submit a revised certification:

(1) When the President with the written approval of the Chancellor makes a change after the beginning of the college year in the college year, any semester, any quarter, or any academic holiday.

(2) When a change occurs in the college year or any semester of the laboratory demonstration elementary school.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of subsection (d)(2) filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 75, No. 25.
2. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of subsection (d)(2) filed 10-10-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).
4. Amendment of subsection (c) filed 8-31-95; operative 9-30-95 (Register 95, No. 35).

§ 42801. Classification of Employees for Pay Plan Purposes.

For pay plan purposes, the following classes of employees are established:

(a) Academic year employee—a person employed to render service for an academic year, for a semester only, or for one or two quarters only.

(b) Ten-month academic (including librarians electing to be employed on a ten-month basis pursuant to Article 2.7 of this Subchapter) or other ten-month employee—a person employed in a position to render service on an annual or fiscal year salary basis on state workdays as defined in State Board of Control regulations or on days in lieu thereof during a ten-month period which position has a specified number of days of vacation allowed for each month of service. Ten-month academic employees (including librarians electing to be employed on a ten-month basis pursuant to Article 2.7 of this Subchapter) shall have the beginning and ending dates of the period of service established at the time of appointment.

(c) Twelve-month academic employee or other twelve-month employee—a person employed in a position to render service on an annual salary basis on state workdays as defined in State Board of Control regulations or on days in lieu thereof, during a 12-month period, which position has a specified number of days of vacation allowed for each month of service.

(d) Substitute instructional faculty—a person employed for a limited period to perform the duties of a regular teacher or instructor who is absent from duty and whose payroll title is Substitute Instructional Faculty.

(e) Special session academic employee—a person employed for special session work on an academic credit unit, or equivalent, basis.

(f) Extension instructional faculty—a person employed to teach extension classes.

(g) Music studio instructional faculty—a person employed on a unit of work basis.

(h) Student assistant—an employee with payroll title of student assistant.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-5-66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment of subsection (b) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of subsection (b) filed 6-17-76; effective thirtieth day thereafter (Register 76, No. 25).
4. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42802. Effective Date of Initial Appointment.

The effective date of the initial appointment of an employee shall be as follows:

(a) When the appointment is as an academic year employee who reports for duty at the beginning of a semester or quarter, the first day of the academic pay period during which the semester or quarter begins.

(b) When the appointment is as a ten-month academic employee (including librarians electing to be employed on a ten-month basis pursuant to Article 2.7 of this Subchapter), the beginning of the pay period in which the ten-month appointment begins provided, however, that such an employee may be appointed on a temporary basis during the period between the end of one ten-month assignment and the beginning of the next.

(c) Except as otherwise provided in this section, the date of initial appointment to a position shall be the date the employee reports for duty.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89518, Education Code.

HISTORY

1. Amendment filed 8-5-66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment of subsection (b) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of subsection (b) filed 6-17-76; effective thirtieth day thereafter (Register 76, No. 25).
4. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42803. Pay Plan for California State University Employees. Amount and Dates of Payment.

Subject to the provisions of Sections 42804 and 42805 employees of the California State University shall be paid in the amounts and on the dates specified in this section.

(a) Definition: As used in this section, the term "annual salary for an academic year" means twelve times the monthly salary rate indicated in the salary scales established for academic year personnel or the fractional equivalent thereof in the case of part-time employees.

(b) Academic Year Employee.

(1) Amount and Dates of Pay for Entire Academic Year. An academic year employee who completes all the service required for three quarters or two semesters shall be paid for such service his or her annual salary for an academic year adjusted for changes in salary rates, and time base for the periods covered by such adjustments, in twelve consecutive installments payable on state pay days covering the period of twelve months beginning with the effective date of his or her appointment; provided that adjustments for changes in salary rates may not be made applicable to the vacation period of an academic year employee subsequent to the conclusion of his or her academic year unless that employee has been reappointed or has retired or is retiring within 120 days of the end of the academic year, pursuant to the Public Employees' Retirement Law or the State Teachers' Retirement Law. The first installment shall be paid on the first state pay day following the conclusion of the first academic pay period as determined pursuant to subdivision (c) of Section 42800 and shall be the amount of his or her established monthly salary equivalent for the position. If such employee separates from the position following the completion of his or her assigned duties in the position but prior to the end of the twelve-month period, he or she may on separation be paid as a final settlement the unpaid balance of the salary due him or her.

(2) Amount of Pay for Semester. An academic year employee who completes all the service required for an entire semester shall for that service be paid one-half of his or her annual salary for an academic year, in six monthly installments, adjusted for changes in salary rates and time base of the period covered by such adjustment. Adjustments for changes in salary rates that are effective subsequent to the completion of an academic year employee's required service may not be made applicable to the vacation period of an academic year employee unless that employee has been reappointed or has retired or is retiring within 120 days of the end of his or her required service, pursuant to the Public Employees' Retirement Law or the State Teachers' Retirement Law.

(3) Amount of Pay for Quarter. Except as otherwise provided in this section, an academic year employee who completes all the service required for an entire quarter shall for that service be paid one-third of his or her annual salary for an academic year, in four monthly installments, adjusted for changes in salary rate and time base for the periods covered by such adjustments. Adjustments for changes in salary rates that are effective subsequent to the completion of an academic year employee's required service may not be made applicable to the vacation period of an academic year employee unless that employee has been reappointed or has retired or is retiring within 120 days of the end of his or her required service pursuant to the Public Employees' Retirement Law or the State Teachers' Retirement Law.

(4) Date of Payments for Service for Semester or Quarter.

(A) An academic year employee who is appointed to serve for one semester only or for one or two quarters only shall be paid in installments payable on state pay days covering the six-month period where appointment is for one semester, or the four-month or eight-month period, as the case may be, where the appointment is for one or two quarters, beginning on the effective date of his or her appointment. The first installment shall be paid on the first state pay day following the conclusion of the first academic pay period as determined pursuant to subdivision (e) of Section 42800 and shall be the amount of his or her established monthly salary equivalent for the position.

(B) If any employee described in subparagraph (A) hereof separates from the position following the completion of his or her assigned duties in the position but prior to the end of the six-month, four-month, or eight-month period, whichever is applicable, he or she may on separation be paid as a final settlement the unpaid balance of the salary due him or her, such balance to be computed by taking into account changes, if any, in the salary rate and time base. Adjustment for changes in salary rates that are effective subsequent to the completion of an academic year employee's required service may not be made applicable to the vacation period unless that employee has been reappointed or has retired or is retiring within 120 days of the end of his or her required service, pursuant to the Public Employees' Retirement Law or the State Teachers' Retirement Law.

(5) Academic Year Employee Serving in an Extra Quarter Assignment. An academic year employee appointed to serve an extra quarter assignment for compensation pursuant to Section 42754, subdivision (e)(1) shall be paid for such service in three monthly installments at the regular compensation. Such salary payments shall be in addition to any salary due him or her for service as an academic year employee.

(6) Academic Year Employee Serving in an Extra Quarter Assignment Without Compensation. An academic year employee serving full-time in an extra quarter assignment without compensation, pursuant to Section 42754, subdivision (e)(2) shall be entitled to a compensatory quarter off at a later date with regular compensation and benefits applicable at that time.

(c) Ten-month Employees (including librarians electing to be employed on a ten-month basis pursuant to Article 2.7 of this Subchapter).

A ten-month employee (including librarians electing to be employed on a ten-month basis pursuant to Article 2.7 of this Subchapter) who completes all service required for the ten-month period shall for such service be paid his or her regular annual salary in twelve consecutive installments payable on state pay days. If he or she serves at any one campus in the same class or class series in excess of ten-months during that employee's established year (a twelve-month period), he or she shall for such excess service be paid at the monthly rate of one-tenth of his or her annual salary or the fractional equivalent thereof in case of part-time service, adjusted for changes in salary rate and time base for the periods covered by such adjustments. If he or she has accumulated during the ten-month period vacation which he or she was unable to take because of his or her assigned duties, he or she may, at the discretion of the President, be paid for such vacation at the monthly rate of one-tenth of his or her regular annual salary adjusted for changes in salary rates; provided that adjustments for changes in salary rates may not be made applicable to the vacation period of a ten-month employee subsequent to the conclusion of his or her year of service unless that employee has been reappointed or has retired or is retiring within 120 days of the end of his or her year of service, pursuant to the Public Employees' Retirement Law or the State Teachers' Retirement Law. Pay for excess service and vacation shall be in addition to any salary due for service during the regular ten-month period, but the total pay for excess service and for accumulated vacation paid in addition to his or her regular annual salary shall not exceed an amount equal to two-tenths of his or her regular annual salary.

(d) Ten-month Employees paid under a 10-12 Pay Plan. A ten-month employee paid under a 10-12 pay plan, who completes all service required for the designated ten-month period, shall for such service be paid his or her regular annual salary, adjusted for changes in salary rates and time base for the periods covered by such adjustments, in twelve consecutive installments payable on state pay days. The first installment shall be paid on the first state pay day following the effective date of the appointment. If the employee serves at any one campus in the same class or class series in excess of ten months out of the twelve months covered by the employee's assignment, payment for such excess service shall be at the monthly rate of one-tenth of the annual salary or the fractional equivalent thereof, in case of part-time service, adjusted for changes in salary rate and time base for the periods covered by such adjustments. Credit for vacation with pay accumulated during the ten-month period which the employee was unable to take because of assigned duties, may, at the discretion of the President, be paid at the monthly rate of one tenth of his or her regular annual salary adjusted for changes in salary rates. Pay for excess service and vacation shall be in addition to any salary due for service during the regular ten-month period, but the total pay for excess service and for accumulated vacation shall not exceed an amount equal to two-tenths of his or her regular salary.

(e) Eleven-month Employees paid under an 11-12 Pay Plan. An eleven-month employee paid under an 11-12 pay plan, who completes all

service required for the designated eleven-month period, shall for such service be paid his or her regular annual salary, adjusted for charges in salary rates and time base for the periods covered by such adjustments, in twelve consecutive installments payable on state pay days. The first installment shall be paid on the first state pay day following the effective date of the appointment. If the employee serves at any one campus in the same class or class series in excess of eleven months out of the twelve covered by the employee's assignment, payment for such excess service shall be at the monthly rate of one-eleventh of the annual salary or the fractional equivalent thereof, in case of part-time service, adjusted for changes in salary rate and time base for the periods covered by such adjustments. Credit for vacation with pay accumulated during the eleven-month period which the employee was unable to take because of assigned duties, may, at the discretion of the president, be paid at the monthly rate of one-eleventh of his or her regular annual salary adjusted for changes in salary rates. Pay for excess service and vacation shall be in addition to any salary due for service during the regular eleven-month period, but the total pay for excess service and for accumulated vacation shall not exceed an amount equal to one-eleventh of his or her regular salary.

(f) Twelve-month Academic Employees and Other Employees. The pay plan for twelve-month academic employees and all employees other than those provided for in the foregoing provisions of this section shall be as follows:

(1) Payment shall be made on the scheduled pay day for the service performed during the previous pay period, and

(2) Payment shall be based on the employee's established monthly salary, per diem or hourly salary rate, adjusted for any changes in salary rates and time base for the periods covered by such adjustments.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of subsection (c) filed 6-17-76; effective thirtieth day thereafter (Register 76, No. 25). For prior history, see Register 75, No. 25.
2. Amendment filed 6-27-78; designated effective 81-78 (Register 78, No. 26).
3. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
4. Amendment of subsections (b)-(d) filed 10-10-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 41).
5. New subsection (e) and subsection redesignation filed 6-29-94; operative 7-29-94 (Register 94, No. 26).

§ 42804. Interim Reduction in Pay Due to Noncompensable Absence.

(a) Academic Year Employee. If an academic year employee has any non-compensable absence, there shall be an interim reduction in pay at the end of the pay period in which the noncompensable absence occurred. This reduction shall be at the rate of one two-hundred-tenth of the employee's annual salary in effect during the pay period for each work day the employee was in a non-pay status. If such computation in any one pay period would result in zero or minus pay, the employee, shall be paid at the rate of one two-hundred-tenth of the annual salary for each day actually worked during that pay period.

(b) Ten-month Employees (including librarians electing to be employed on a ten-month basis pursuant to Article 2.7 of this Subchapter). If a ten-month employee has any noncompensable absence, there shall be an interim reduction in monthly pay at the end of the pay period in which the noncompensable absence occurred. This reduction shall be at the rate of one twenty-first in the case of a twenty-one day pay period and one twenty-second in the case of a twenty-two day pay period for each work day the employee was in a non-pay status.

(c) Ten-month Employees Paid Under a 10-12 Pay Plan. If a ten-month employee paid under a 10-12 pay plan has had a noncompensable absence, there shall be an interim reduction in pay at the end of the pay period in which the noncompensable absence occurred. That reduction shall be calculated as prescribed in subdivision (b) of this section.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-5-66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment of subsection (b) filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 6-17-76; effective thirtieth day thereafter (Register 76, No. 25).
4. Amendment filed 6-27-78; designated effective 8-1-78 (Register 78, No. 26).
5. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
6. Amendment filed 10-10-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 42805. Settlement Payments.

(a) When and to whom paid. Any academic year employee and any ten-month employee paid under a 10-12 pay plan shall receive a settlement payment in the following events:

(1) If there has been an interim reduction in pay pursuant to Section 42804 due to a noncompensable absence, a settlement payment shall be required at the completion of the period of service, or upon termination of the assignment for any reason, whichever event occurs earlier.

(2) If the employee serves less than the complete period of service covered by the assignment, a settlement payment shall be required upon termination of the assignment for any reason.

(3) If the total time required for completion of the period of service is changed, a settlement payment shall be required upon completion of the period of service.

(4) If the employee is transferred to service in a position falling under a different period of service or pay plan, a settlement payment shall be required upon termination of service in the previous position.

(5) The settlement payment shall be made to the employee on the state pay day immediately following the date described in the foregoing subsections when the settlement payment is required.

(b) Academic Year Employee. When required, the amount of a settlement payment which shall be paid to an academic year employee shall be equal to the difference between the total salary earned and the total amount previously paid to the employee for the period of service.

Full pay shall be allowed for each semester or quarter for which all required service has been completed.

For each semester or quarter for which the employee served less than the complete period of service, the settlement payment shall be computed by determining the amount that bears the same ratio to one-half (for a semester) or one-third (for a quarter) of the employee's total annual salary, adjusted for any changes in salary rate and time base for the periods covered by such adjustments, as the total number of workdays served by the employee bears to the total number of workdays in the semester or quarter. The same computation shall be used if he total employment time required of an employee in an academic year position or positions is changed.

(c) Ten-Month Employee. When required, the amount of a settlement payment which shall be paid to a ten-month employee shall be equal to the difference between the total salary earned and the salary previously paid to the employee for the period of service. The total salary earned is that amount which bears the same ratio to his or her regular annual salary for the position, adjusted for any changes in salary rate and time base for the periods covered by such adjustments, as the number of workdays served bears to the total number of workdays in the ten-month period. The same computation shall be used if the total employment time required of an employee in a ten-month position or positions is changed.

(d) Ten-Month Employees Paid Under a 10-12 Pay Plan. When required, the amount of a settlement payment which shall be paid to ten-month employees serving in ten-month assignments under a 10-12 pay plan shall be computed in the same manner as prescribed in subdivision (c) of this section.

(e) Report to Controller. The final settlement payment shall be computed by the campus and notification of the amount due furnished to the Controller.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter Register 66, No. 25).
2. Amendment of subsections (b) and (c) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–30–75; effective thirtieth day thereafter (Register 75, No. 40).
4. Amendment filed 6–27–78; designated effective 8–1–78 (Register 78, No. 26).
5. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
6. Amendment of subsections (a), (c) and (d) filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 42805.5. Effective Date.

HISTORY

1. New section filed 6–27–78; designated effective 8–1–78 (Register 78, No. 26).
2. Repealer filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42806. Certification by Employee.

(a) Notwithstanding any provision in this Chapter 1 to the contrary, whenever in the judgment of a campus president, it is necessary to do so in order to obtain accurate information for attendance and payroll reporting purposes, such president may require all employees in any attendance reporting unit the president may designate to certify the amount of time

[The next page is 271.]

worked, including, in the case of academic employees, all class assignments which were met and conducted, and all class assignments which were not met and conducted, during each pay period. Except as otherwise provided in this section, this certification shall be a condition to payment for the particular pay period in the case of all employees in any attendance reporting unit so designated.

(b) The certification required by this section shall be in such form and detail as the president shall prescribe.

(c) The section shall not apply to vacation or settlement payments, or to payments on leaves of absence with pay pursuant to Article 5 (commencing with Section 43000) of this Subchapter 7, or to payments on special leaves for research or creativity pursuant to Article 5.1 (commencing with Section 43050), of this Subchapter 7.

(d) The president may authorize exceptions to the requirements of this section in individual cases where owing to assignments out of California, illness or similar reasons, an undue hardship would otherwise result.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of subsection (a) and NOTE, and repealer of subsection (e), filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 3.5. Tax Deferred Retirement Benefit

§ 42850. Purpose.

It is the purpose of the Board of Trustees in adopting this Article, to implement the authority of the Board to afford employees of the California State University an opportunity to participate in a retirement benefit program which satisfies the provisions of the United States Internal Revenue Code, Section 403(b) as amended. Generally, participation in this program will involve a reduction in the salary of each participating employee in an agreed amount. The amount reduced will be applied as a contribution to a qualified 403(b) plan on behalf of such employee.

The Board of Trustees does not necessarily recommend that any individual employee participate in the retirement benefit program authorized by this Article. Rather, the Board is of the view that the decision on whether or not to participate is personal to each employee, who must personally consider and determine the relative merits of the retirement benefit program and its alternatives. The Board is not responsible for and does not warrant any particular tax consequence to employees who elect to participate.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 8950, Education Code.

HISTORY

1. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33). For prior history, see Register 77, No. 18.
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42851. Qualified 403(b) Plan Contracts.

Qualified 403(b) plan contributions purchased on behalf of employees of the California State University pursuant to this Article shall satisfy the provisions of Internal Revenue Code Section 403(b) as well as California Revenue and Taxation Code Section 17512. The accuracy of all computations, including but not limited to the amount of exclusion allowance, includable compensation, and years of service pursuant to the cited codes shall be the responsibility of the individual employee, or, should the insurance, annuity, or pension plan company undertake such commitment, of the company which provides the qualified 403(b) plan, or both the employee and the company. Such computations shall not be the responsibility of the State of California, the Board of Trustees, nor of any officer or employee of the California State University assigned any duties in connection with the administration of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89505, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42852. Eligible Participation.

Any full–time employee, or part–time employee who otherwise qualifies under federal and state tax law and who is participating in the worktime reduction program authorized by Articles 6.3 or 6.4, of the California State University is eligible to participate in the retirement benefit program authorized by this Article, so long as that employee continues to serve on a full–time basis or, for employees in the worktime reduction program, on a part–time basis under that program. Salary earned for special session and extension appointments on less than an annual basis shall not be subject to salary reduction.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89505, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
3. Amendment filed 12–10–81; effective thirtieth day thereafter (Register 81, No 50).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42853. Administration and Implementation.

In order to carry out the provisions and policy of this Article, the Chancellor or designee is authorized in the name of the Board of Trustees to:

(a) Enter into agreements with any employee of the California State University, subject to Section 42852, for the reduction of the employee's salary and for application of the funds realized by such reduction as contributions to a qualified 403(b) plan on behalf of the employee. The agreements shall contain such other provisions as the Chancellor deems necessary or appropriate in order to carry out the purposes of this Article.

(b) Reduce the salary of any employee with whom an agreement is entered pursuant to this Section, in the amount provided in the agreement with the employee.

(c) Contribute an amount equal to the reduction in salary to a qualified 403(b) plan on behalf of any employee with whom an agreement is entered pursuant to this Section, from such qualified 403(b) plan provider as the employee shall select from among those designated for the purpose by the Chancellor or designee. The qualified 403(b) plan contract shall be nontransferable and nonforfeitable, except for failure to pay future premiums.

(d) Do all other acts deemed by the Chancellor or designee to be necessary or appropriate in order to carry out the purposes of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89505, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42854. Qualified 403(b) Plan.

As used in this Article, "qualified 403(b) plan" means investment programs, including annuities and custodial accounts, which qualify for the benefits provided in United States Internal Revenue Code Section 403(b), and California Revenue and Taxation Code Sections 17502.5 and 17512 as they may be from time to time amended, and regulations issued thereunder.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89505, Education Code.

HISTORY
1. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 4. Vacations

§ 42900. Classification of Employees for Vacation Purposes.

For vacation purposes, each employee of the California State University is classified the same as for pay plan purposes.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42901. Academic Year Employee.

(a) Each academic year employee is entitled to earned vacation on days falling between the end of his or her academic year and the beginning of his or her next academic year and on days designated in the local campus calendar as campus academic holidays during his or her academic year, except that the number of campus academic holidays scheduled and observed on regular state workdays which is equal to the number of state holidays on which an academic year employee is required to work is compensating time off for time worked on state holidays.

(b) A continuing full–time academic year employee after at least one academic year of full–time service at a campus on quarter system year–round operations may, pursuant to Section 42752, be permitted to take a vacation quarter during the first, second or third quarter of his or her academic year in lieu of vacation between the end of that academic year and the beginning of the next academic year. An academic year employee taking vacation in advance of the completion of his or her academic year shall be obligated to complete his or her academic year of service during the four quarter period or, upon approval of the president, during the next succeeding four quarter period; provided, however, that this obligation shall be further deferred for any period during which the employee is a "person in military service" as that phrase is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, of the United States (50 App. U.S.C. Section 501, et seq.). This obligation shall be exonerated by the employee's death or disability.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
4. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42902. Vacation Credit.

(a) Credit for Full–time Employment. On the first day of the monthly pay period following completion of each qualifying monthly pay period of full–time service, a ten–month or twelve–month academic employee, executive employee, employee serving in an academic–administrative assignment, an employee serving in a class determined by the Chancellor to be equivalent to these classes after appropriate occupational studies and consultation, an employee designated by the Chancellor as confidential under the Higher Education Employer–Employee Relations Act, or a Management Personnel Plan employee shall receive two workdays of credit for vacation with pay.

(b) Credit for Less Than Full–time Employment.

(1) Part–time Employee. On the first day of the monthly pay period following completion of each qualifying monthly pay period of service, an employee as to whom this section applies shall receive the fractional part of two workdays of credit for vacation with pay equal to the fraction his or her service is to full–time service, except that fractions of credit hours which do not equal one–third hour shall be adjusted to the next higher one–third hour.

(2) Hourly Employee. On the first day of the monthly pay period following completion of each 160 hours of paid employment, an employee as to whom this section applies who renders service on an hourly basis shall receive two workdays of credit for vacation with pay.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Amendment filed 5–25–67; effective thirtieth day thereafter (Register 67, No. 21).
2. Amendment of subsection (c) filed 10–11–68; effective thirtieth day thereafter (Register 68, No. 38).
3. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
4. Amendment filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
5. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
6. Amendment filed 1–12–83; effective thirtieth day thereafter (Register 83, No. 3).
7. Amendment of subsection (a) filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 42903. Employee Not Eligible for Vacation.

A person employed in a class determined by the Chancellor to be temporary in nature or in a class restricted to students of the California State University shall not receive credit for vacation with pay for such service.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
4. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42904. Other Employees.

(a) Credit for Full–Time Employment. An employee as to whom this article does not otherwise provide shall receive credit for vacation with pay according to the following schedule:

Length of Qualifying Service	Vacation Allowance Per Qualifying Pay Period	Yearly Equivalent
First 36 mos. (3 yrs.)	5/6 day	2 weeks
37 mos. thru 72 mos. (6 yrs.)	1–1/4 days	3 weeks
73 mos. thru 120 mos. (10 yrs.)	1–5/12 days	3 weeks and 2 days
121 mos. thru 180 mos. (15 yrs.)	1–7/12 days	3 weeks and 4 days
181 mos. thru 240 mos. (20 yrs.)	1–3/4 days	4 weeks and 1 day
241 mos. thru 300 mos. (25 yrs.)	1–11/12 days	4 weeks and 3 days
301 mos. and over	2 days	4 weeks and 4 days

(b) Credit for Less Than Full–time Employment. Part–time Employees One–Half Time or More. On the first day of the monthly pay period following completion of each qualifying monthly pay period of service, an employee rendering part–time service at one–half time or more shall receive as credit for vacation with pay the fractional part of the vacation allowance specified in the schedule in subsection (a) of this section equal to the fraction his or her service is to full–time service except that fractions of credit hours which do not equal one–third of an hour shall be adjusted to the next higher one–third hour.

Part–time Employees Less Than One Half Time. On the first day of the monthly pay period following completion of one qualifying monthly pay period of service, an employee rendering part–time service at less than one–half time shall receive as credit for vacation with pay the frac-

tional part of the vacation allowance specified in the schedule in subsection (a) of this section equal to the fraction his or her service is to full-time service except that fractions of credit hours which do not equal one third of an hour shall be adjusted to the next higher one-third hour. Thereafter, on the first day of the monthly pay period following accumulated qualifying service equal to one complete monthly pay period of full-time service, the employee shall receive credit for vacation with pay as specified in the schedule in subsection (a) of this section.

Hourly Employees. On the first day of the monthly pay period following completion of each 160 hours of qualifying service, a person employed on an hourly basis shall receive credit for vacation with pay for one complete monthly pay period as specified in the schedule in subsection (a) of this section.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
3. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42905. Computation of State Service.

State service for the purpose of determining which vacation accumulation rate in the schedule in subsection (a) of Section 42904 to use shall include all qualifying monthly pay periods of service. Part-time qualifying service at the rate of one-half time or more shall be counted as full-time service. Part-time qualifying service at a rate of less than one-half time shall be accumulated until it is equal to one month of full-time service (e.g., 4 months of one-fourth time service equal one qualifying monthly pay period) at which time it shall be credited to the employee.

For purposes of the schedule in subsection (a) of Section 42904, 160 hours of service of an hourly employee equals one qualifying monthly pay period. However, hours worked in a monthly pay period in excess of 160 shall be carried forward to the next accumulation. Not more than 160 hours may be credited in any one pay period.

When a person employed half-time or more changes time base to less than one-half time or is changed to an hourly rate employee, or when a person employed less than half-time or on an hourly basis changes time base to half time or more, he or she shall retain qualifying service credit already received and shall continue accumulating qualifying service credit applicable to the new time base. Any time worked by a person employed less than half-time or on an hourly basis which does not equal a month of full-time service, upon a change in time base or return to service following a break in service, shall not be credited to the employee.

When any employee changes from less than one-half time to hourly (or vice versa), the service under each time base shall be accumulated until it equals one month of full-time service.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
2. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42906. Multiple Positions.

(a) An employee holding a position in addition to other full-time employment with the state shall not receive credit for vacation with pay for service in the additional position.

(b) When an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for vacation with pay but such credits shall not exceed full-time employment credit.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
2. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42907. Change in Appointment or Assignment.

Any employee having accumulated credit for vacation with pay who is appointed, or assigned or transferred to a position or assignment which does not accumulate credit for vacation with pay shall receive from the accumulating campus a lump sum payment for any accumulated credit for vacation and overtime hours.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
2. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42908. Transfer of Vacation.

When an employee leaves the employment of one campus or the Chancellor's Office and enters the employment of another campus or the Chancellor's Office, any accumulated vacation credit not paid at the place of prior employment shall be credited to the employee at the new place of employment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
2. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42909. Accumulation and Carry-Over.

(a) An employee may accumulate credit for vacation with pay for which vacation is not taken during the calendar year. On January 1st of any calendar year, an employee covered by Section 42902 shall not have a credit for vacation with pay of more than 384 hours; an employee covered by Section 42904 shall not have a credit of more than 272 working hours for 10 or less years of qualifying service or 384 working hours for more than 10 years of such service; a Management Personnel Plan employee shall not have a credit of more than 384 working hours for 10 or less years of qualifying service or 440 working hours for more than 10 years of such service; and a campus President, General Counsel, Vice Chancellor, or Chancellor shall not have a credit of more than 480 hours.

(b) Notwithstanding subsection (a) to the contrary, the president of a campus at which an employee is employed, or the Chancellor in the case of all other employees, may permit an employee to carry over more vacation credits than the prescribed maximum when the employee was prevented from taking enough vacation to reduce the credits because the employee (1) was required to work as a result of fire, flood or other similar emergency, (2) was prevented from taking vacation by work the president or the Chancellor, as the case may be, has determined to be of a priority or critical nature over an extended period of time, (3) was absent on full salary for compensable injury, or (4) was prevented by campus rule from taking vacation until December and at that time was unable to take vacation because of illness requiring use of sick leave. This subsection (b) shall not apply to vacation carry over of a campus President, General Counsel, Vice Chancellor, and Chancellor.

When verification of past state service requires it, an employee's accumulated credit for vacation with pay shall be adjusted. In such case, any additional credit which exceeds the maximum carry-over limitation shall be used within one year following the qualifying monthly pay period in which credited.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).

2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment of subsection (a) filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).
4. Amendment filed 6–4–99; operative 6–4–99. Submitted to OAL for printing only (Register 2000, No. 29).

§ 42910. Vacation.

The President of the campus in which an employee is employed, or the Chancellor in the case of all other employees, shall determine when the employee shall take vacation which has been acquired in the current year and vacation which has been carried over from prior years. The determination made by the President or Chancellor shall be made after consultation with the employee. The President or Chancellor shall seek to accommodate the employee's needs to the needs of the employment. Vacation, regardless of when it was accumulated, shall be taken as directed by the President or Chancellor. In the event the appointing power does not, during the calendar year, schedule vacation for an employee sufficient to reduce credit for vacation accumulated with pay as of the following January 1 to the amount permitted by Section 42907, the employee may take, as a matter of right, immediately preceding the following January 1 the number of days of accumulated vacation required to reduce such accumulation to the amount permitted by that section.

Notwithstanding the authority of the President or Chancellor to determine when vacation shall be taken, an employee who is in the final year of employment prior to service retirement under the Public Employees' Retirement System or the State Teachers' Retirement System may elect not to take vacation carried over from prior years and instead, receive a lump sum payment as of the date of separation, subject to the requirements of Section 42912.

As used in this section, "President" or "Chancellor" shall include duly authorized designees of the President or Chancellor, respectively.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
2. Amendment filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42911. Records.

The appointing power shall keep, for each employee, a record of vacation credit accumulated and taken.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42912. Payment upon Separation.

Upon separation from service without cause an employee shall be paid for accumulated vacation credit without regard to the current carry–over limitation. Accumulation of vacation credit by such an employee shall continue through the last working day for which the employee is entitled to pay or through the date to which lump–sum payment is projected as required in Section 18005 of the Government Code. If this date is such that the employee has sufficient paid working days to qualify a further monthly pay period, vacation with pay shall be given for that monthly pay period.

An employee dismissed from service for cause shall accumulate vacation credit only through the date of separation. If this date is such that the employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 42913. Effective Date.

HISTORY

1. New section filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
2. Repealer filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 4.1. Holidays

§ 42920. Holidays.

The Chancellor for the systemwide staff and the President for each campus shall be responsible for the administration of paid holidays for the employees under their supervision.

(a) The following holidays, when not occurring on a Saturday or Sunday, shall be observed on the days specified:

(1) January 1
(2) Third Monday in January (Martin Luther King, Jr. Day)
(3) March 31 (Cesar Chavez Day)
(4) July 4
(5) First Monday in September (Labor Day)
(6) November 11 (Veterans Day)
(7) Thanksgiving Day
(8) December 25
(9) Any other day designated by the Governor of this state for a public fast or holiday.

(b) The following days are designated holidays which the Chancellor or President may reschedule to another day consistent with the needs of the campus or systemwide offices:

(1) Third Monday in February (President's Day)
(2) February 12 (Lincoln's Birthday)
(3) Last Monday in May (Memorial Day)
(4) September 9 (Admission Day)
(5) Second Monday in October (Columbus Day)
(6) Personal holiday, to be designated by each employee. The employee may be required to supply reasonable advance notice of intent to take the personal holiday.

(c) Any holiday which falls on a Saturday shall be observed on the preceding Friday and any holiday which falls on a Sunday shall be observed on the following Monday.

(d) On days when the campuses or systemwide office are observing holidays, particular employees may be required to work to perform necessary services.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 4.1 (Section 42920) filed 12–1–82; effective thirtieth day thereafter (Register 82, No. 49).
2. New subsections (a)(2) and (a)(3) and subsection renumbering filed 2–21–2001; operative 2–21–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2001, No. 15).
3. New subsection (a)(6), repealer of subsection (b)(6) and subsection renumbering filed 4–4–2006; operative 4–4–2006. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2006, No. 15).

Article 4.2. Catastrophic Leave Donation Program

§ 42930. Purpose.

An employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to another employee on the same campus, or for employees in the Office of the Chancellor, to another employee in the Office of the Chancellor. To qualify, the recipient employee shall have exhausted all accrued leave credits due to catastrophic illness

or injury that has totally incapacitated the employee from work. "Accrued leave credits" include credits for sick leave, vacation, and compensating time off.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 4.2 (sections 42930–42933) filed 5–5–92; operative 6–4–92 (Register 92, No. 19).

§ 42931. Definition of Catastrophic Illness or Injury.

A catastrophic illness or injury is one which has totally incapacitated the employee from work. Catastrophic illness or injury may also include an incapacitated member of the employee's family, if this results in the employee's being required to take time off for an extended period of time in order to care for the family member and the employee has exhausted all of accrued vacation credits and all accrued sick leave credits which may be used for family care. Only donated vacation credits may be used for such family care catastrophic leave.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–5–92; operative 6–4–92 (Register 92, No. 19).

§ 42932. Participation and Eligibility.

An employee, the employee's representative or the employee's family member shall request participation and provide appropriate verification of illness or injury as determined by the employee's appointing authority. The appointing authority shall determine eligibility to receive donations of vacation and sick leave credits. An incapacitated employee may elect to defer a request to participate during a period of Industrial Disability Leave eligibility.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–5–92; operative 6–4–92 (Register 92, No. 19).

§ 42933. Donation.

(a) Only vacation and sick leave credits may be donated. Employees may donate a maximum of forty (40) hours of leave credits per fiscal year in increments of one hour or more. Donations are irrevocable. Donated leave credits may be used to supplement Industrial Disability leave, Non-industrial Disability Insurance or Temporary Disability payments upon the application for these benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.

(b) The total donated leave credits shall normally not exceed an amount necessary to continue the employee for three calendar months calculated from the first day of catastrophic leave. The appointing authority may approve an additional three-month period in exceptional cases. The leave shall not be deemed donated until actually transferred by the appointing authority's recordkeeper to the record of the employee receiving leave credits. Such transfer shall be accomplished at hte end of a pay period, and credits shall be transferred in the order of the dates actually pledged.

(c) For employees whose appointments have not been renewed, donated time may not be used beyond the emoployee's appointment expiration date in effect at the beginning of the disability.

(d) Unused donated leave crdits may not be used to receive service credit following a service or disability retirement.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–5–92; operative 6–4–92 (Register 92, No. 19).
2. Editorial correction of subsection (d) (Register 95, No. 47).
3. Amendment of subsection (a) filed 11–28–2001; operative 11–28–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 4).
4. Amendment of subsection (a) filed 9–30–2002; operative 9–30–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2003, No. 1).

Article 5. Leaves of Absence with Pay

§ 43000. Grants, Purpose and Terms.

The Chancellor may grant academic or executive employees or employees serving in an academic–administrative assignment at any campus a leave of absence with pay for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the California State University. The Trustees on recommendation of the Chancellor may grant leaves of absence with pay not to exceed one year to executive employees and those serving in academic–administrative assignments in the Office of the Chancellor.

To be eligible for a leave of absence with pay, an applicant must hold a full–time position and have served therein full–time as an academic employee, executive employee, or an employee in an academic–administrative assignment, or any combination thereof, for six consecutive academic years. The length of leaves of absence with pay and the compensation to be paid during such leaves, shall be as provided in this Section.

(a) Eligible Employees at Campuses on Quarter Calendars, including academic year employees, 10–month academic employees, and 12–month academic employees:

(1) One quarter leave at full pay.

(2) Two quarters leave at three–fourths of full pay.

(3) Three quarters leave at one–half of full pay.

(b) Eligible Employees at Campuses on Semester Calendars, including academic year employees, 10–month academic employees and 12–month academic employees:

(1) One semester leave at full pay.

(2) Two semesters leave at one–half of full pay.

(c) Difference in Pay Leaves. Academic employees who have completed at least six consecutive academic years of service may be granted a leave of absence for one or more quarters or semesters not exceeding one year, with compensation equal to the difference in salary between that received by the person on leave and minimum salary of the instructor rank.

(d) These regulations shall remain in effect until adequate funding is approved by the Legislature to provide the sabbatical leaves set forth in the following provisions. When adequate funding is received, the above regulations will cease to exist and the following regulations shall become effective:

The Chancellor may grant academic or executive employees or employees serving in an academic–administrative assignment at any campus a leave of absence with pay for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the California State University. The Trustees on recommendation of the Chancellor may grant leaves of absence with pay not to exceed one year to executive employees and those serving in academic–administrative assignments in the Office of the Chancellor.

"To be eligible for a leave of absence with pay, an applicant must hold a full–time position and have served therein full–time as an academic employee, executive employee, or an employee in an academic–administrative assignment, or any combination thereof, for the time required in this Section.

"(a) Eligible Employees at Campuses on Quarter Calendars.

"(1) For academic year employees and 10–month academic employees:

"(A) One quarter leave at two–thirds of full pay after completion of two consecutive academic years.

"(B) One quarter leave at full pay after completion of three consecutive academic years.

"(C) Two quarters leave at two–thirds of full pay after completion of four consecutive academic years.

"(D) Two quarters leave at full pay after completion of six consecutive academic years.

"(E) Three quarters leave at two–thirds of full pay after completion of six consecutive academic years.

"(2) For 12–month employees:

"(A) One quarter leave at two thirds of full pay after completion of two consecutive years.

"(B) One quarter leave at full pay after completion of three consecutive years.

"(C) Two quarters leave at two–thirds of full pay after completion of four consecutive years.

"(D) Two quarters leave at full pay after completion of six consecutive years.

"(E) Three quarters leave at two–thirds of full pay after completion of six consecutive years.

"(b) Eligible Employees at Campuses on Semester Calendars.

"(1) For academic year employees and 10–month academic employees:

"(A) One semester leave at two–thirds of full pay after completion of three consecutive academic years.

"(B) One semester leave at full pay after completion of six consecutive academic years.

"(C) Two semesters leave at two–thirds of full pay after completion of six consecutive academic years.

"(2) For 12–month employees:

"(A) One semester leave at two–thirds of full pay after completion of three consecutive years.

"(B) One semester leave at full pay after completion of six consecutive years.

"(C) Two semesters leave at two–thirds of full pay after completion of six consecutive years.

"(c) Leaves in Residence. An academic employee otherwise eligible for a leave at two–thirds of full pay, pursuant to this Section, may be awarded in lieu thereof, a leave of absence in residence in the California State University, at full pay, provided:

"(1) The purpose of such leave is to engage in research, writing, or similar activity; and

"(2) The recipient teaches one course of at least 3 units during each semester or quarter of his or her leave. A recipient of a leave pursuant to this subdivision (c) shall have no other teaching, committee, or administrative duties during the period of the leave.

"(d) Difference in Pay Leaves. Academic employees who have completed at least 6 consecutive academic years of service may be granted a leave of absence for one or more quarters or semesters not exceeding one year, with compensation equal to the difference in salary between that received by the person on leave and minimum salary of the instructor rank."

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 68, No. 43.
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Amendment of subsection (d) filed 9–3–2004; operative 9–3–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43001. Eligibility and Effect.

(a) A full or part–time leave of absence without pay shall not constitute a break in service in qualifying for sabbatical leave.

(b) One year or less of a leave of absence without pay taken for the purpose of teaching, research, study, or an assignment determined by the campus president or the Chancellor to be of a nature valuable to the California State University may, at the discretion of the president, after consultation with the faculty, be counted towards eligibility for sabbatical leave. A notation of the basis of the decision shall be made in the employee's official personnel record.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43002. Requisite Position and Assignment.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Repealer filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43003. Number.

(a) The president of each campus is responsible for assuring and certifying to the Chancellor that the number of leaves granted in any one quarter, semester, or year, is not so great in any department, division, or school, or at the campus as a whole as to disrupt the continued and regular course offerings or to affect the quality level of education offered to the students.

(b) The granting of leaves of absence as provided in this article shall not exceed existing appropriations available for such leaves. NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment of subsection (a) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43004. Application.

(a) An application for a leave of absence shall be executed by the applicant on a form prescribed by the Chancellor and submitted to the president of the campus accompanied by the action of the appropriate faculty committee. The application shall include or be accompanied by the details of the applicant's plan of study, research, or travel and service together with a statement of the benefits which would accrue to the campus and students thereof from the proposed study, research, or the travel and service.

(b) If the president approves the application, the president shall, within such time as the Chancellor shall prescribe, submit the application to the Chancellor together with appropriate justification.

(c) The Chancellor shall grant a leave of absence for the purpose of pursuing research, other study or travel only if the Chancellor is satisfied that the applicant is eligible for the leave and will during the leave of absence engage in study or travel of a kind and in an amount which will so improve and update the applicant's capabilities that during future employment of the applicant at the campus such experience will substantially enhance the applicant's value to the California State University and to the students thereof.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment of subsections (a) and (c) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43005. Bond, Compensation and Further Leaves.

(a) Final approval of an application for a leave of absence to engage in study or travel during or for which the applicant is to receive compensation as provided hereinbefore shall not be granted until the applicant has filed with the Chancellor a suitable bond indemnifying the State of

California against loss in the event the employee fails to render service in the California State University following the return of the employee from the leave of absence at the rate of one term of service for each term of leave. The bond shall be in the amount of the total salary computed to become due to the applicant during the applicant's leave of absence, except that in the case of an academic employee on sabbatical leave in residence, pursuant to Section 43000, subdivision (d), in which event the bond shall be in the amount of 4/5 of his or her total salary computed to become due to the applicant during such leave of absence. The bond shall be exonerated if the failure of the employee to return and render the requisite service in the California State University following the employee's leave of absence is not due to the fault of the employee. The obligation to file a bond may be waived by the Chancellor if the Chancellor finds that the interests of the State will be protected by the written agreement of the employee to return to the service of the California State University and render the requisite service therein following the employee's return from the leave of absence. Such agreement shall be accompanied by a statement of assets showing, to the satisfaction of the Chancellor, the employee's capacity to indemnify the State of California against loss in the event that the employee fails, through fault of the employee, to fulfill the agreement.

(b) Compensation granted an employee on leave of absence under this article shall be paid during the leave of absence in the same manner as if the employee were not on leave of absence. The bond shall be exonerated if the failure of the employee to return and render the requisite service is not due to the fault of the employee.

(c) The Chancellor may, upon recommendation of the President, grant to an employee on leave of absence with pay under this article one leave of absence without pay, which shall not exceed one year, and which shall commence at any time following the completion of leave of absence with pay. In addition, the Chancellor may, upon recommendation of the President, grant to such employee a second leave of absence without pay which shall not exceed one year. Time spent on any leave of absence without pay granted pursuant to this subsection shall not be credited toward the service required by this section following a leave of absence with pay.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 67, No. 46.
2. Amendment of subsection (a) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 6–17–77; effective thirtieth day thereafter (Register 77, No. 25).
4. Amendment filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3).
5. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43006. Reinstatement.

Unless the employee agrees otherwise, at the expiration of a leave of absence granted pursuant to this Article, the employee shall be reinstated in the position held by the employee at the time of the granting of the leave of absence.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43007. Retirement and Continuity of Service.

The time during which an employee is on leave of absence with pay pursuant to this Article shall be credited toward retirement in accordance with Education Code Section 89514, and toward any merit salary increases the employee would have received had he not taken the leave of absence. The period of any leave of absence granted under this article shall not be construed as a break in the continuity of service required toward retirement, or toward any salary adjustment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89514, Education Code.

HISTORY

1. New section filed 2–7–62; effective thirtieth day thereafter (Register 62,No. 3).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 6–17–77; effective thirtieth day thereafter (Register 77, No. 25).
4. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43008. Replacements.

For each academic employee granted a leave of absence pursuant to Section 43000 there shall be employed a full–time replacement or the equivalent part–time replacements unless the workload is such that the duties of the position vacated can be absorbed wholly or in part by existing staff. Employment of a replacement may be as a lecturer or as a regular academic appointment. The nature of such appointment will be determined by the president in light of whether or not it appears that there will be a continuing need for the services of the individual serving as the replacement.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 2–7–62; effective thirtieth day thereafter (Register 62,No. 3).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

[The next page is 277.]

Article 5.1. Special Leaves for Research or Creative Activity

§ 43050. Grant and Purpose.

Within the limitation of funds appropriated therefor, the Chancellor may grant or may authorize any president to grant special leaves for research or creative activity for qualified employees at the campus, as authorized by this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 5.1 (Sections 43050 through 43053) filed 11-10-66; effective thirtieth day thereafter (Register 66, No. 32).
2. Amendment of NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43051. Eligibility, Terms and Further Procedures.

The Chancellor may establish

(a) standards for eligibility for special leaves for research or creative activity,

(b) terms and conditions of such leaves, and

(c) procedures and guidelines for the effective implementation of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43052. Obligation to Teach Following Leave.

Any academic employee who is granted and who takes a leave pursuant to this Article shall be obligated to teach in the California State University for the equivalent of two terms for each term of such leave, immediately following the conclusion of such leave, provided that the completion of such obligation shall be deferred during periods, following such leave, which, pursuant to the regulations of the Board of Trustees, are taken as vacation, sabbatical leave, or leave of absence without pay; and provided further, that this obligation shall be further deferred for any period during which the employee is a "person in military service" as that phrase is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, of the United States (50 App. U.S.C. Section 501, et seq.). This obligation shall be exonerated if the failure of the employee to complete such service following the conclusion of the leave, is caused by his or her death or physical or mental disability.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-7-67; effective thirtieth day thereafter (Register 67, No. 32).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
4. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43053. Benefits While on Leave.

Except as provided in Section 43052, service by academic employees while on leave pursuant to this Article shall be considered full-time service at the California State University for all purposes.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

Article 5.9. Military Leave

§ 43095. Military Leave.

a. Any campus or administrative office employee who takes a leave of absence to enter military service shall submit the documents and follow the procedures required by the law governing military leaves. All documents required to effect such a leave for a campus employee shall be submitted by the employee to the campus president or designee for approval. Administrative office employees shall submit the documents to the Chancellor or designee for approval.

b. An employee is entitled to paid active duty military leave as prescribed by state and federal law. When approved by the Chancellor, an employee on active duty military leave extending beyond the paid entitlement shall receive the difference in pay between military pay and California State University pay for up to an amount of time specified by the Chancellor. The CSU difference in pay acts as a salary supplement to military pay. The limit specified by the Chancellor is in addition to any paid active duty military leave under existing law. If an employee does not return to CSU service within the required time of being released from active duty, the CSU difference in pay salary supplemental shall be treated as a loan that must be repaid to the CSU with interest.

Employees on a difference in pay salary supplement continue to receive CSU provided health, dental, and vision benefits at the level current with the leave for the period of time specified by the Chancellor.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89513, Education Code; and Sections 395 *et seq.*, Military and Veterans Code.

HISTORY

1. New article 5.9 (section 43095) and section filed 2-8-2002; operative 2-8-2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 16).

Article 6. Leaves of Absence Other Than Leaves of Absence with Pay

§ 43100. Leave of Absence Without Pay.

An application for a leave of absence without pay shall be submitted by the applicant to the campus president. The campus president may approve such leaves for periods not to exceed a total of two years. A request for an extension of a leave of absence without pay beyond a total of two years may be approved by the campus president for a period of up to one additional year for each request. The number of extensions granted to any one applicant shall be within the discretion of the president. In the case of the staff of the administrative office, the application shall be submitted to the Chancellor for action. This section is not applicable to leaves of absence without pay following a sabbatical leave, pursuant to Subdivision (c) of Section 43005.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89510, 89512, and 89514, Education Code.

HISTORY

1. Amendment filed 11-13-67; effective thirtieth day thereafter (Register 67, No. 46).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).
5. Amendment filed 9-5-95; operative 10-5-95 (Register 95, No. 36).

§ 43101. Military Leave.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89513, Education Code.

HISTORY

1. Amendment filed 10-11-68; effective thirtieth day thereafter (Register 68, No. 38).
2. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).

3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Repealer filed 2–8–2002; operative 2–8–2002. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 16).

§ 43102. Salary Increase Following Leave of Absence Without Pay.

The salary of an employee who takes a leave of absence without pay may be increased one step at the conclusion of the leave, if the following provisions are satisfied:

(a) The employee was not at the highest step of the salary range for his or her rank at the time the employee began the leave;

(b) The step increase would not result in establishing the employee's salary at a level higher than it would have been if the employee had continued at the campus without such leave and had been accorded a merit salary increase based on the employee's performance;

(c) The step increase becomes effective on the employee's regular anniversary date next following the employee's return to service;

(d) The leave was for the purpose of teaching, research, or other assignment, which is determined by the campus president in the case of an employee of a campus or by the Chancellor in the case of an employee of the Office of the Chancellor, to have been of a nature valuable to the California State University;

(e) In the case of an academic employee of a campus, the campus president shall consult with the faculty of the campus with respect to the salary step increase.

(f) This section shall not apply to a Management Personnel Plan employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendments filed 3–16–70; effective thirtieth day thereafter (Register 70, No. 12).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. New subsection (f) filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

Article 6.3. Reduced Worktime Program for All Employees Other Than Academic Teaching Employees

§ 43130. Purpose and Definitions.

It is the purpose of the Board of Trustees in adopting this Article to implement Government Code Section 19996.20 et seq. and Education Code Section 89557 to provide a voluntary reduced worktime program, to the extent feasible, for full–time employees of the California State University serving in positions in the non–academic, administrative and academic closely related job categories, employees serving in academic–administrative assignments, and Management Personnel Plan employees. "Reduced worktime" means working less than full time and taking a pro rata reduction in salary and benefits. Options available to employees subject to this Article include fewer hours of work per day or fewer days of work per year. These and other variations will be made available to full–time employees on a voluntary basis, where feasible.

Permanent full–time employees will derive the primary benefit from participation in this program since only permanent full–time employees retain permanent status when reducing their time base to less than full time. Full–time probationary employees choosing to reduce their time base to less than full time are, upon the reduction, temporary employees and lose the opportunity to gain credit toward permanent status.

As used in this Article, "President" means president or designee of a University or College with regard to employees of a State University or College or the Chancellor or designee with regard to employees of the headquarters office.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 6.3 (Sections 43130–43139) filed 12–10–81; effective thirtieth day thereafter (Register 81, No. 50).
2. Amendments filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43131. Eligibility.

All full–time employees of the California State University, except peace officers, may request and be considered for participation in the reduced worktime program authorized by this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43132. Salary and Benefits.

An employee who has been authorized to participate in the reduced worktime program shall receive the pro rata share of salary and benefits which were available to the employee while serving a full–time position, except those benefits provided under the Public Employees' Retirement Act and under the Public Employees' Medical and Health Care Act. The pro rata share of salary and benefits shall be equal to the full–time salary and full–time level of benefits multiplied by the proportion that the reduced worktime bears to full–time employment. Benefits provided under the Public Employees' Retirement Law and the Public Employees' Medical and Health Care Act shall be provided as authorized in the Law and the Act.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43133. Request for Participation.

Each President shall develop procedures for requesting participation in the reduced worktime program which include, as a minimum, the following:

(a) The employee shall submit a request for participation in the reduced worktime program to the President in writing by the established deadline;

(b) Once the President has received a timely request for participation, the President shall issue to the employee general written information concerning the effect of participation on employment status, compensation and benefits, including health and retirement benefits;

(c) If the President approves the request for participation, the employee shall be notified in writing with a statement of the anticipated effect on the employee's status and pay and with any other pertinent information regarding program participation. The employee shall sign and return to the President a copy of the notification as evidence that he or she has received it and has read and understands the effect of participation;

(d) If the request for participation is denied, the President shall notify the employee in writing of the reason for denial.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter ((Register 82, No. 39).

§ 43134. Condition of Participation.

Participation in the reduced worktime program authorized by this Article shall be approved if the President determines that the reduction in time base is feasible in terms of the overall management and operation of services and programs.

(a) In determining whether participation is feasible, the President shall consider such factors as the following:

(1) Participation should not adversely affect provision of service to students or the public or create an unacceptable decline in the timeliness or quality of service rendered;

(2) Participation should not remove unique expertise or specialized skill needed to provide a service on a continuing basis during normal working hours;

(3) Participation should not reduce the effectiveness of a multipart workflow process by reducing or shifting an integral part of that process performed by the employee;

(4) The cost of granting reduced worktime should not involve significant expenditures such as the purchase of additional equipment, acquisition of more office space or renovation of existing space to accommodate more personnel, or other costs which could not be considered incidental or routine;

(5) The granting of reduced worktime where the flow of work is heavy or constant should not adversely affect the unit's ability to regularly produce the work in a timely manner;

(6) The granting of reduced worktime should not accentuate existing recruitment difficulties in a work unit, and, therefore, have an adverse effect on the ability of the unit to effectively accomplish its work;

(7) The granting of reduced worktime should not result in a threat to health, safety, or property;

(8) The granting of reduced worktime should not adversely affect provision of office or departmental coverage or other services during assigned hours of operation.

(b) Generally, participation will be less feasible for employees who are in positions included in the Management Personnel Plan.

[The next page is 279.]

(c) If requests for reduced worktime exceed the number that can be granted within these provisions, employees may be selected based on program need.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of subsection (b) filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43134.1. Minimum Time for Participation.

Normally, reduced worktime shall be implemented for a minimum of six pay periods and shall begin on the first day of a pay period. Under special circumstances, the President may permit an employee to participate for less than six pay periods. Refusal by the President to grant participation for less than six pay periods shall not be grievable by the employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Cod. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43135. Right to Grieve if Coerced or Unreasonably Denied Participation.

Any employee who has had worktime reduced against his or her will, contrary to the intent of this Article, or who has been unreasonably denied the right to participate in this program may file a grievance pursuant to the established employee grievance procedures. Management Personnel Plan employees may appeal any such adverse action in accordance with Section 42728 of this Subchapter.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43136. Effect of Participation on Seniority.

Employees who reduce their worktime shall be subject to the same provisions governing layoff as before their reduction in time base. Seniority credits for part–time service after reduction in time base of a permanent employee shall be earned in the proportion that the part–time service bears to full–time employment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43137. Return to Full–Time Work—Employee Request.

Permanent employees participating in the reduced worktime program shall be given first priority to return to full–time employment in the same class upon the written request of the employee to the extent that the President determines that full–time work is available. Employees who refuse an offer of full–time work in their class after requesting to return to full–time work shall have waived their right to return to full–time employment. Temporary and probationary employees who reduce their time base shall not be given priority status nor have a right to return to full–time status.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43137.1. Return to Full–Time Work—Campus Request.

Permanent employees participating in the reduced worktime program shall return to full–time employment in the same class at the request of the President if the President decides that it is no longer feasible, as determined in this Article, to continue a position on a reduced worktime basis. The campus shall notify the employee in writing at least 30 days prior to the date the employee is to report to work full time, except that in circumstances which could not be reasonably foreseen, the employee may be required to work full time without prior notice for the duration of the special circumstances.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43138. When Budget Reductions Are Contemplated.

If a budget reduction of 1% or more of full–time equivalent positions is contemplated within the California State University by the Board of Trustees or their designees, voluntary participation in this reduced worktime program shall be solicited and encouraged by the President, to the extent that it is feasible, to attempt to preserve employment opportunities through a redistribution of workload. The purpose of this provision is to minimize the necessity for layoffs or other dislocations of careers. This section shall terminate on June 30, 1982 unless the statutory authority therefor is continued beyond that date.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43139. Administration.

The Chancellor or designee is authorized to issue such orders and take such other action as may be necessary or appropriate to implement the provisions of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 6.4. Reduced Worktime Program for Academic Teaching Employees

§ 43140. Purpose and Definitions.

It is the purpose of the Board of Trustees in adopting this Article to implement Government Code Section 19996.20 et seq. and Education Code Section 89557 to provide a voluntary reduced worktime program, to the extent feasible, for full–time academic teaching employees of the California State University. "Reduced worktime" means working less than full time and taking a pro rata reduction in salary and benefits. Options available to teaching faculty in a reduced worktime program include:

(a) reducing the employee's time base;

(b) reducing the number of terms taught; or

(c) a combination of (a) and (b).

Tenured full–time employees will derive the primary benefit from participation in this program since only tenured full–time employees retain tenure status when reducing their time base to less than full time. Full–time probationary employees choosing to reduce their time base to less than full time are upon the reduction, temporary employees and lose the opportunity to gain credit toward tenure.

As used in this Article, "President" means president or designee of a California State University or College with regard to employees of a State University or College.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 6.4 (Sections 43140–43149) filed 12–10–81; effective thirtieth day thereafter (Register 81, No. 50).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

3. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43141. Eligibility.

All full–time academic teaching employees of the California State University may request and be considered for participation in the reduced worktime program authorized by this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43142. Salary and Benefits.

An employee who has been authorized to participate in the reduced worktime program shall receive the pro rata share of salary and benefits which were available to the employee while serving in a full–time position, except those benefits provided under the Public Employees' Retirement Act and under the Public Employees' Medical and Health Care Act. The pro rata share of salary and benefits shall be equal to the full–time salary and full–time level of benefits multiplied by the proportion that the reduced worktime bears to full–time employment. Benefits provided under the Public Employees' Retirement Law and the Public Employees' Medical and Health Care Act shall be provided as authorized in the Law and the Act.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code.Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43143. Request for Participation.

Each President, following the campus' consultative process, shall develop procedures for requesting participation in the reduced worktime program which include, as a minimum, the following:

(a) The employee shall submit a request for participation in the reduced worktime program to the President in writing by the established deadline;

(b) Once the President has received a timely request for participation, the President shall issue to the employee general written information concerning the effect of participation on employment status, compensation and benefits, including health and retirement benefits;

(c) If the President approves the request for participation, the employee shall be notified in writing with a statement of the anticipated effect on the employee's status and pay and with any other pertinent information regarding program participation. The employee shall sign and return to the President a copy of the notification as evidence that he or she has received it and has read and understands the effect of participation;

(d) If the request for participation is denied, the President shall notify the employee in writing of the reason for denial.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43144. Condition of Participation.

Participation in the reduced worktime program authorized by this Article shall be approved if the President determines that the reduction in time base is feasible in terms of the academic program of the institution. In determining whether participation is feasible, the President shall consider such factors as the following:

(a) The reduced workload should not adversely affect the curricular offerings of the department or the institution;

(b) The reduced workload should not adversely affect the rate of progress of students through the major in the department or the offering of service courses by the department;

(c) The reduced workload should not adversely affect other functions of the department or the institution.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43144.1. Minimum Time for Participation.

Normally, reduced worktime shall be implemented for a minimum of one academic year with participation commencing at the beginning of the academic year. Under special circumstances, the President may grant participation for less than one academic year or approve commencement of participation at the beginning of any academic term within the academic year. Refusal by the President to grant participation for less than an academic year or allow participation to commence within the academic year shall not be grievable by the employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43145. Right to Grieve if Coerced or Unreasonably Denied Participation.

Any employee who has had worktime reduced against his or her will, contrary to the intent of this Article, or who has been unreasonably denied the right to participate in the worktime reduction program may file a grievance pursuant to the established employee grievance procedures.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43146. Effect of Participation on Seniority.

Employees who reduce their worktime shall be subject to the same provisions governing layoff as before their reduction in time base. Seniority credits for part–time service after reduction in time base of a permanent employee shall be earned in the proportion that the part–time service bears to full–time employment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43147. Return to Full–Time Work—Employee Request.

Employees participating in the reduced worktime program shall be given first priority to return to full–time employment upon the written request of the employee to the extent that the President determines that full–time work is available. Employees who refuse an offer of full–time work in their assigned teaching service area after requesting to return to full–time work shall have waived their right to return to full–time employment. Temporary and probationary employees who reduce their time base shall not be given priority status nor have a right to return to full–time status.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43147.1. Return to Full–Time Work—Campus Request.

Tenured employees participating in the reduced worktime program shall return to full–time employment at the request of the President if the President decides that it is no longer feasible, as determined in this Article, to continue a position on a reduced worktime basis. The President shall notify the employee in writing no later than the end of the sixth week of the last academic term worked.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43148. When Budget Reductions Are Contemplated.

If a budget reduction of 1% or more of full-time equivalent positions is contemplated within the California State University and Colleges by the Board of Trustees or their designees, voluntary participation in this reduced worktime program shall be solicited and encouraged by the President, to the extent that it is feasible, to attempt to preserve employment opportunities through a redistribution of workload. The purpose of this provision is to minimize the necessity for layoffs or other dislocations of careers. This section shall terminate on June 30, 1982 unless the statutory authority therefor is continued beyond that date.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43149. Administration.

The Chancellor or designee is authorized to issue such orders and take such other action as may be necessary or appropriate to implement the provisions of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 9-20-82; effective thirtieth da thereafter (Register 82, No. 39).

Article 6.5. Preretirement Reduction in Time Base

§ 43150. Purpose.

It is the purpose of the Board of Trustees in adopting this Article to implement the authority of the Board in Education Code Section 89516 to provide certain academic teaching employees, librarians, counselors and student affairs officers the opportunity to request the campus President or designee to reduce their workload while maintaining full retirement or other benefits for which payment by the employee and employer is made as a transition to retirement status as authorized by the law. Although the Board of Trustees does not necessarily recommend participation in this program to all employees, the Board does recognize that there may be advantages in individual cases of making a phased transition to retirement while maintaining full-time service credit.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89516, Education Code.

HISTORY

1. New Article 6.5 (Sections 43150-43155) filed 6-18-75; effective thirtieth day thereafter (Register 75, No. 25).
2. Amendment of section and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 2-28-79; effective thirtieth day thereafter (Register 79, No. 9).
4. Amendment of NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43151. Eligibility.

Only full-time academic teaching employees, librarians, counselors and student affairs officers who satisfy each of the following conditions may be considered for participation in the workload reduction program authorized by this Article:

(a) The employee shall be at least 55 years of age but not more than 66 years of age on the effective date of the reduction in workload; if the employee is a member of the Public Employees Retirement System; or at least 55 years of age but not more than 64 years of age on the effective date of the reduction in workload, if the employee is a member of the State Teachers Retirement System; and

(b) The employee shall have been employed full time as an academic employee, librarian, counselor or student affairs officer of the California State University for at least ten years, of which the five years immediately preceding the effective date of the reduction in workload were years of full-time employment; and

(c) The employee shall receive no higher salary than the maximum paid to a department chairman.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89516, Education Code.

HISTORY

1. Amendment filed 2-28-79; effective thirtieth day thereafter (Register 79, No. 9).
2. Amendments filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43152. Request for Participation.

An eligible employee may request participation in the workload reduction program by submitting to the campus President or designee a request in writing no later than six months prior to the effective date of the reduction in workload unless such time period is waived by the President or designee. The President or designee may grant the request if it appears that the employee's participation in the program will be in the best interests of the employee and the campus.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89516, Education Code.

HISTORY

1. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43153. Condition of Participation.

Participation in the workload reduction program authorized by this Article shall be subject to the following conditions:

(a) The time base of an employee who has been approved for participation shall be reduced from full time to:

(1) two-thirds of full time or such percentage as shall average two-thirds of full time during each year of the employee's participation in the workload reduction program; or

(2) one half of full time or such percentage as shall average one half of full time during each year of the employee's participation in the workload reduction program; or

(3) one third of full time or such percentage as shall average one third of full time during each year of the employee's participation in the workload reduction program.

(b) The employee shall fulfill over the course of each year of participation in the program the appropriate pro rata share of his or her employment obligations and service contributions, including teaching, advisement, committee service, or other assignments which would have been required had the employee continued on a full-time basis.

(c) Once an employee is authorized to reduce full-time employment to a percentage specified in subdivision (a), the employee may not revoke such reduced employment and return to full-time employment or any fraction thereof without the approval of the campus President or designee.

(d) The maximum period of service at the reduced time base shall not exceed five years and

(1) for employees who are members of the Public Employees' Retirement System, such reduced employment shall not extend beyond the 67th birthday of the employee; or

(2) for employees who are members of the State Teachers' Retirement System, such reduced employment shall not extend beyond the 65th birthday of the employee.

(e) At the conclusion of an employee's maximum period of reduced service, the employee shall normally retire. An employee who does not retire following such period of service shall not return to full-time employment but may continue at the reduced level of employment outside of the workload reduction program authorized in this Article. Benefits accruing from such continued service shall be the same as the benefits which accrue to other part-time employees outside of the program.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89516, Education Code.

HISTORY

1. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
2. Amendment filed 2–28–79; effective thirtieth day thereafter (Register 79, No. 9).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43154. Salary and Benefits.

An employee who has been authorized to participate in the workload reduction program shall receive over the course of each year of participation in the program the appropriate pro rata share of the salary which the employee would have received if continued on a full–time basis but shall retain as though employed on a full–time basis all retirement, health, and other benefits for which the employee and employer make the payments that would be required if the employee remained in full–time employment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89516, Education Code.

HISTORY

1. Amendment filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43155. Administration.

The Chancellor or designee is authorized to issue such orders and take such other action as may be necessary or appropriate to implement the policy and provisions of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89516, Education Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 6.7. Faculty Early Retirement Program

§ 43170. Purpose.

It is the purpose of the Board of Trustees in adopting this Article to provide qualifying tenured faculty the option of part–time service after early retirement, as authorized by applicable statutory provisions, Government Code Section 21155 for members of the Public Employees' Retirement System and Education Code Section 23918 for the members of the State Teachers' Retirement System. Faculty retirants under both systems, with certain exceptions and limitations, may serve in teaching positions with the California State University without reinstatement from retirement or any loss or interruption of retirement benefits. The Board of Trustees does not necessarily recommend such early retirement and subsequent part–time service to all employees. The faculty member is to base his or her election to participate in the program on an individual evaluation of the program's application and merits.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 23918, Education Code; and Section 21155, Government Code.

HISTORY

1. New Article 6.7 (Sections 43170–43174) filed 8–12–77; effective thirtieth day thereafter (Register 77, No. 33).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43171. Eligibility.

In addition to satisfying the requirements in either Government Code Section 21155 or Education Code Section 23918, a faculty member who wishes to participate in the Faculty Early Retirement Program must

(a) be a tenured member of the faculty;

(b) file his or her election to participate in the early retirement program; and

(c) apply for and be granted service retirement.

NOTE: Authority cited: Sections 66600, 89030, 89035, and 89500, Education Code. Reference: Section 23918, Education Code; and Section 21155, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43172. Election to Participate.

A tenured faculty member who is eligible to retire and elects to participate in the Faculty Early Retirement Program shall file his or her election in writing with the campus president or president's designee no later than six months prior to the beginning of the faculty member's academic year which would otherwise next follow the effective date of his or her service retirement. The president or the president's designee may waive all or a portion of this time period.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 23918, Education Code; and Section 21155, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43173. Conditions of Participation, Salary and Benefits.

Participation in the Faculty Early Retirement Program shall be subject to the following conditions:

(a) Within the limitation set forth in the applicable retirement law for such post–retirement service, retirant shall have the right to continued employment for one term each academic year at the rank held at the time of retirement, unless the employee elects otherwise, until attaining mandatory retirement age or until the conclusion of the academic year in which he or she attains mandatory retirement age. As used in this Article, "mandatory retirement age" means the mandatory retirement age as provided in Government Code Section 20981. Retirant's right to continued employment shall terminate at an earlier date in the event of dismissal for cause, layoff, or failure to meet the employment commitment. For purposes of layoff affecting a retirant's teaching service area, the order for layoff shall be in the inverse order of the retirant's total length of service at the campus, including service before and after retirement.

(b) Retirants shall serve during the term of employment determined by the campus.

(c) Retirant's time base for service under this Article shall be the same as his or her time base during the academic year immediately prior to retirement.

(d) During his or her term of service, a retirant serving full time under this Article shall fulfill his or her employment obligation and service contributions, including teaching, advisement, committee service, and other instructionally related assignments which would be required if such person had not retired, provided that such obligations, contributions, and assignments shall not extend beyond the conclusion of the term of service under this Article. For purposes of such obligations, contributions, and assignments, a retirant shall be deemed a tenured member of the faculty.

(e) With the consent of the campus president, a participant in this program may be granted leave without pay for one or more terms in which he or she is scheduled to teach. After electing to participate in this program, a retirant shall be entitled to one leave of absence without pay for a term in which he or she is scheduled to teach if such leave is needed because of the participant's personal illness. No compensated leave of any kind, other than sick leave, shall be allowed participants in this program. The balance of accrued sick leave time of members of Public Employees' Retirement System and State Teachers' Retirement System is converted to service credit at the time of retirement and is therefore not available for use by retirants serving in this program. Retirants serving in the early retirement program shall accrue sick leave benefits in the same manner and subject to the same regulations as other employees of the California State University.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 23918, Education Code; and Section 21155, Government Code.

HISTORY
1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43174. Administration.

The Chancellor or designee is authorized to issue such orders and take such other action as may be necessary or appropriate to implement the policy and provisions of this Article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 21918, Education Code; and Section 21155 Government Code.

HISTORY
1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 7. Separation of Employees from Service for Lack of Funds or Lack of Work

NOTE: Authority cited for Article 7 (Sections 43200–43206): Sections 66609, 89030 and 89500, Education Code.

HISTORY
1. Repealer of Article 7 (Sections 43200–43206) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Registers 75, No. 52; 72, No. 35; and 62, No. 3.

Article 8. Termination of Employment of Probationary Employees

§ 43300. Probationary Employee Defined.

For the purposes of this article a probationary employee is an employee who has been appointed in accordance with the provisions of Education Code Section 89531 or 66609 and who has not completed the probationary period of employment.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89500 and 89534, Education Code. Reference: Sections 66609, 89530, 89531 and 89533, Education Code.

HISTORY
1. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43301. Probationary Nonacademic Employees.

Any probationary nonacademic employee may be separated from service at any time upon written notice of rejection to the employee signed by the appointing power. The employee shall be given written notice of rejection for permanent status, which notice should be given not less than 30 days prior to the date the employee's probationary period ceases. The notice shall be mailed by registered mail, with return receipt requested, to the employee at his or her last known address or it may be delivered to the employee who shall acknowledge receipt of the notice in writing. If the notice is delivered to the employee and the employee refuses to acknowledge receipt thereof, the person delivering the notice shall make and file with the appointing power an affidavit of service thereof.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89500 and 89534, Education Code. Reference: Sections 66609, 89530, 89531 and 89533, Education Code.

HISTORY
1. Amendment filed 12–13–71; effective thirtieth day thereafter (Register 71, No. 51).
2. Refiled 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43302. Probationary Administrative Employees.

Probationary employees of the Chancellor's Office may be rejected during probationary period, as specified in this Article 8 except that the Chancellor shall act instead of a campus president.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89500 and 89534, Education Code. Reference: Sections 66609, 89530, 89531 and 89533, Education Code.

HISTORY
1. Renumbering of Section 43303 to 43302 by amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 8.1. Employees Performance Appraisal Requirements

§ 43350. Policy.

It is the policy of The California State University to require periodic performance appraisals for each permanent, probationary, or Management Personnel Plan employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. New Article 8.1 (Sections 43350–43353) filed 2–13–74; effective thirtieth day thereafter (Register 74, No. 7).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43351. Procedures.

Procedures shall be established for periodic performance appraisals of permanent or probationary employees consonant with the policies of the Board of Trustees and the Chancellor. Procedures for performance appraisals of Management Personnel Plan employees shall be consonant with Section 42722 of this Subchapter.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Amendment filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43352. Part–Time Nonacademic Employees.

NOTE: Authority cited: Sections 66600, 66606, 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Repealer filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).

§ 43353. Excluded Employees.

NOTE: Authority cited: Sections 66600, 66606, 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. Repealer filed 7–11–80; effective thirtieth day thereafter (Register 80, No. 28).

Article 9. Change in Employment Status of Disabled Employees

§ 43400. Disabled Employees Eligible for Disability Retirement.

An employee who is a member of the Public Employees' Retirement System, who is credited with at least five years of state service, and who is believed by the appointing power to be disabled, may not be dismissed because of disability unless the employee:

(a) Waives the right to retire for disability; and

(b) Either:

(1) Elects to withdraw retirement contributions; or

(2) Elects to permit retirement contributions to remain in the retirement fund with rights to service retirement as provided in Government Code Section 20393.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. New Article 9 (Sections 43400–43410) filed 12–13–71; effective thirtieth day thereafter (Register 71, No. 51). For former history of Article 9 see Register 71, Nos. 1 and 46.
2. Amendment filed 9–0–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43401. Application for Disability Retirement by an Employee.

Pursuant to Government Code Section 21023, an employee who is a member of the Public Employees' Retirement System and who is credited with at least five years of state service may make application for disability retirement to the Public Employees' Retirement System.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43402. Application for Disability Retirement by the Appointing Power.

The appointing power shall apply for disability retirement on behalf of an employee as to whom Section 43400 operates to prevent dismissal because of disability.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43403. Dismissal, Demotion and Reassignment.

A permanent, probationary, or Management Personnel Plan employee who is believed by the appointing power to be disabled, and as to whom Section 43400 does not operate to prevent dismissal, may be dismissed because of such disability, and any permanent, probationary, or Management Personnel Plan employee who is believed by the appointing power to be disabled may be demoted or reassigned because of such disability, only if, prior to such dismissal, demotion or reassignment:

(a) The appointing power first requests a medical examination as provided in Section 43404; or

(b) The employee submits a medical report as provided in Section 43405.

Recommendations for dismissal or demotion under this section shall be made by the campus president to the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code; and Section 20393, Government Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43404. Medical Examination.

Any permanent, probationary, or Management Personnel Plan employee may be required to submit to medical examination by a physician or physicians designated by the appointing power to evaluate whether or not the employee is disabled from performing the duties of the position. Fees for the examination shall be paid by the appointing power.

The examining physician shall make a written report of the examination to the appointing power. A copy of the report shall be provided to the employee.

The employee may submit medical reports or other pertinent information to the examining physician or to the appointing power.

Failure or refusal of the employee to submit to a medical examination required by the appointing power shall constitute a failure or refusal to perform the normal and reasonable duties of the position. In such event, the absence of an examination shall not prevent the appointing power from submitting an application for disability retirement of the employee, or from commencing disciplinary action pursuant to law.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code; and Section 20393, Government Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43405. Medical Report Submitted by the Employee.

In lieu of or in addition to a medical examination as provided in Section 43404, the appointing power may rely upon a medical report from the employee's physician.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43406. Demotion and Reassignment.

If the appointing power, after considering the conclusions of an examination by a physician and any other pertinent information, including any actions of the Public Employees' Retirement System on an application for disability retirement, concludes that a probationary, permanent, or Management Personnel Plan employee whom it believes to be mentally or physically disabled is unable to perform the duties of the employee's present position but is able to perform the duties of another position, either full time or part time, the appointing power may demote or reassign the employee to the other position. The employee may be demoted only with written consent or as otherwise provided by law.

An employee who is demoted or reassigned pursuant to this section, shall receive the maximum of the salary range of the class to which the employee is demoted or reassigned, provided that the salary is not greater than the salary the employee received at the time of demotion or reassignment.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code; and Section 20393, Government Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43407. Reinstatement Rights.

Upon the request of an employee who is dismissed, demoted, or reassigned pursuant to Sections 43403 and 43406, such employee shall be reinstated to an appropriate vacant position in the same class, in a comparable class, or in a lower related class, if it is determined by the appointing power that the employee is no longer incapacitated for duty. If there is no vacant position to which the employee may appropriately be appointed, the name of the employee shall be placed upon those reemployment lists determined to be appropriate by the appointing power.

The appointing power may require the person requesting reinstatement to submit to a medical examination by a physician or physicians designated by the appointing power to evaluate the capacity of the employee to perform the duties of the vacant position. Fees for such examination shall be paid by the appointing power. An employee who fails or refuses to submit to such an examination may not be reinstated as provided in this section.

Employees reinstated pursuant to this section shall be required to serve a new probationary period except Management Personnel Plan employees.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code; and Section 20393, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 10–10–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

§ 43408. Reinstatement from Retirement.

A recipient of a disability retirement allowance who is reinstated from retirement by the Public Employees' Retirement System shall be entitled to reemployment as provided in Government Code Sections 21028 and 21029.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43409. Voluntary Change in Employment Status.

Nothing contained in this article shall be construed to limit the authority of the appointing power with respect to reassignments, disciplinary actions, resignations or other changes in employment status to which the employee consents.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43410. Disciplinary Action.

Except as otherwise specifically provided in this article, nothing contained in this article shall be construed to prevent the dismissal, demotion, or suspension of an employee pursuant to law.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 20393, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 9.5. Industrial Disability Leave Benefits and Nonindustrial Disability Insurance for Disabled Employees

§ 43420. Delegation of Authority.

The Chancellor shall prescribe, and may from time to time revise, rules and procedures for the administration of industrial disability leave benefits in accordance with Chapter 3.5 (commencing with Section 18120) of Part 1 of Division 5 of Title 2 of the Government Code and nonindustrial disability insurance in accordance with Chapter 3.6 (commencing with Section 18135) of Part 1 of Division 5 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Sections 18128 and 18142, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 9.5 (Section 43420) filed 10–1–76; effective thirtieth day thereafter (Register 76, No. 40).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 10. Reassignment of Administrative Employees

§ 43500. Notice.

Notice of the reassignment of an administrative employee pursuant to Section 66609 of the Education Code shall be in writing signed by the president of the campus, or the Chancellor in the case of the Chancellor's Office. Such notice shall be served on the employee and shall set forth a statement of the employee's right to answer within twenty (20) days and request a hearing on the questions of whether the required procedure was not followed, or of whether the position to which he or she is reassigned is not commensurate with his or her qualifications.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 66609 and 89539, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 12–11–73; effective thirtieth day thereafter (Register 73, No. 50).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43501. Hearing Request.

An administrative employee reassigned pursuant to Section 66609 of the Education Code may request a hearing by filing a request for such hearing, in writing, with the Chancellor within twenty days (20) of being served with the notice. The request may be on the grounds that the required procedure was not followed or that the position to which the employee is reassigned is not commensurate with his or her qualifications. An impartial hearing board or hearing officer, or both, shall be designated by the Chancellor, and shall hold a hearing and shall recommend to the Chancellor a decision affirming, modifying or revoking the action taken. The Trustees may review and determine the matter in the same manner as provided in Section 42702(1)(2). Except for such review by the Trustees, the decision of the Chancellor shall be final.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 66609 and 89539, Education Code.

HISTORY

1. Amendment filed 12–11–73; effective thirtieth day thereafter (Register 73, No. 50).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 11. Disciplinary Actions

§ 43520. Direct Resolution.

In the interest of economy and morale, appropriate effort should be made to resolve disciplinary situations directly with the employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89530, 89535–89540, and 89542.5, Education Code.

HISTORY

1. New Article 11 (Sections 43520 through 43525) filed 2–7–62; designated effective 7–1–62 (Register 62, No. 3).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43521. Cause.

Employees may be dismissed, demoted, or suspended for cause as provided in Article 2 of Chapter 5, Division 8, Part 55 (commencing with Section 89530) of the Education Code.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89530, 89535–89540 and 89542.5, Education Code.

HISTORY
1. Amendment filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43522. Temporary Suspension.

When there is strong and compelling evidence that the presence of an employee on his or her job might create serious problems, if such evidence were subsequently proven to be correct, a president or the Chancellor may temporarily suspend an employee pending investigation and/or the furnishing of formal notice of disciplinary action. Unless earlier terminated by the president or the Chancellor,as the case may be, such temporary suspension shall automatically terminate upon the furnishing of formal notice of disciplinary action, or unless extended as provided by this section 30 days after its commencement, whichever first occurs.

The date for such automatic termination of the period of temporary suspension, where no furnishing of formal notice of disciplinary action has occurred, may be extended upon the written statement of the employee addressed to the president or the Chancellor, as the case may be, requesting such extension.

Suspension under this section shall not prejudice the case of the employee or any rights he or she may be provided under this article.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89530, 89535–89540 and 89542.5, Education Code.

HISTORY
1. Amendment filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43523. Applications.

Any willful misstatement or omission of material facts in an employee's application for employment or other employment document shall be construed as constituting fraud under Section 89535 of the Education Code.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89530, 89535–89540 and 89542.5, Education Code.

HISTORY
1. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43524. Disciplinary Actions.

(a) Nonacademic and Administrative Employees of a Campus. Disciplinary actions affecting nonacademic and administrative employees of a campus shall be recommended by the president of that campus to the Chancellor.

(b) Academic Employees of a Campus. Disciplinary actions affecting academic employees of a campus shall be pursuant to procedures prescribed by Section 43525.

(c) Dismissal of Academic Employees with Tenure. Recommendations of a campus President for dismissal of an academic employee with tenure at that campus, shall be made to the Chancellor, and shall be reviewed and action taken pursuant to the procedures prescribed by Section 43525.

(d) Employees in the Office of the Chancellor. Dismissal and other disciplinary actions affecting any employee in the Office of the Chancellor, except vice chancellors, shall be carried out by the Chancellor.

(e) Definition. As used in this Section, "disciplinary action" means dismissal, demotion or suspension.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500 Education Code. Reference: Sections 89530, 89535–89540 and 89542.5, Education Code.

HISTORY
1. Amendment filed 6–4–71; effective thirtieth day thereafter (Register 71, No. 23).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of subsections (b) and (c) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43525. Disciplinary Action Procedures for Academic Personnel.

The Chancellor shall prescribe, and may from time to time revise, Disciplinary Action Procedures for Academic Personnel of the California State University which meet the requirements of Education Code Section 89542.5. The Chancellor shall consult as appropriate with respect to such procedures. The Chancellor shall report to the Board on procedures issued or revised pursuant to this Section.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89530, 89535–89540 and 89542.5, Education Code.

HISTORY
1. Amendment filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31). For prior history, see Register 72, No. 35.
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43526. Disruption of Campus Activities.

Notwithstanding any provision in this Subchapter 7 to the contrary, any employee of the California State University who, following appropriate procedures at the campus, is found to have disrupted or to have attempted to disrupt, by force or violence, any part of the instructional program of a campus, or any meeting, recruiting interview or other activity authorized to be held or conducted at the campus may, in the discretion of the President, be disciplined pursuant to Section 89535 of the Education Code.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 89530, 89535–89540 and 89542.5, Education Code.

HISTORY
1. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 12. Reinstatement

§ 43550. Employees Leaving with Reinstatement Rights.

The appointing power shall reinstate any employee, who meets all employment requirements and who left his or her classification with reinstatement rights as prescribed by law or by these rules, to a position in the classification which he or she left or the equivalent thereof. Such employees shall not lose any benefits or credit for prior service enjoyed at the time of separation.

NOTE: Authority cited: Sections 66606, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY
1. New Article 12 (Sections 43550 and 43551) filed 2–7–62; designated effective 7–1–62 (Register 62, No. 3).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43551. Rehiring.

The appointing power may rehire any person who fulfills all employment requirements, who was previously employed at the campuses and who left in good standing. Such persons:

(a) shall acquire permanent status in the same manner as new employees.

(b) shall be credited with any unused sick leave at the time of previous separation as a regular employee as authorized by Section 19143 of the Government Code.

NOTE: Authority cited: Section 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code; and Section 19143, Government Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 13. Tenure Rights of Academic Employees

§ 43560. Probationary Period and Award of Tenure.

Decisions with respect to the award or denial of tenure to a probationary academic employee as defined in Section 42700, subdivision (1), appointed pursuant to Article 2, Article 2.5, or both, shall be on the basis of full–time service in accordance with the procedures established pursuant to Section 42701 and pursuant to the following provisions:

(a) The normal pattern of awarding tenure, except as modified below, shall involve the assessment of a faculty member's performance over a period of four successive academic years, and for those not awarded tenure, a terminal year.

(b) The president may determine to award a fifth probationary year appointment. Should it be considered by the end of that year that more time is still necessary to evaluate the probationary academic employee for tenure purposes, the president may award a final sixth probationary year appointment. For those denied tenure following the final probationary year, a terminal year shall be awarded as provided in Subdivision (c) of Section 43561. A probationary academic employee shall not serve more than seven successive full–time years.

(c) If the academic employee transfers from an existing campus to a newly established campus under the provisions of Education Code Section 89545, the employee shall be accorded such tenure rights at the newly established campus as the employee had acquired at the existing campus.

(d) If a tenured academic employee transfers from one campus to another campus and such transfer is not under the provisions of Education Code Section 89545, the employee may be appointed with tenure or with such credit towards tenure as the president of the campus to which the employee transfers shall determine.

(e) If a probationary academic employee transfers from one campus to another campus, and such transfer is not under the provisions of Education Code Section 89545, the employee may be appointed with such credit toward tenure as the president of the campus to which the employee transfers shall determine.

(f) If the academic employee is initially appointed to the rank of professor, the employee may be considered for tenure during his or her first academic year, and, not later than June 1 of the employee's second year, he or she shall be notified by the president or designee that the employee will either receive tenure or a terminal year.

(g) Notwithstanding any provision in this article to the contrary, the president in special circumstances may award tenure to any probationary academic employee earlier than the normal probationary period otherwise provided in this section, when, following an evaluation of the performance of the faculty member at the campus, the president finds that such early award of tenure is advantageous to the institution.

(h) Except as provided in subdivision (c), (d) and (g) of this Section, whenever tenure is awarded to an academic employee, the tenure shall be effective when the academic employee enters upon his or her duties at the same campus at the beginning of the academic year next succeeding the year during which tenure is awarded.

(i) If the academic employee is promoted to the rank of assistant professor during his or her probationary period, he or she shall be credited with consecutive probationary years already served at the campus at the rank of instructor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 7–27–71; effective thirtieth day thereafter (Register 71, No. 31). Former Section 43560 renumbered to 43560.1.
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43560.1. Academic Employees Whose Full–Time Service Began Prior to September 1, 1971.

NOTE: Authority cited: Sections 66600, 66606, 66609, 89030, 89500 and 89545, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 71, No. 31.
2. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Repealer filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43560.2. Application of Section 43560 to Certain Employees.

HISTORY

1. New section filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).
2. Repealer filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).

§ 43560.5. Terminal Dates for Academic Year Employees Who Are Not Reappointed.

HISTORY

1. New Section filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Repealer filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).

§ 43561. Recommendations, Review and Notice Dates.

Recommendations regarding reappointment, tenure and termination shall originate at the department or, where appropriate, at the division level. Such recommendations shall pass through appropriate levels to a final review committee which shall make recommendations to the president. The appropriate faculty shall participate fully at the various stages of the process. The president shall advise the academic employee of his or her decision with respect to reappointment, tenure, or termination in accordance with the dates specified in subdivisions (a) and (b) of this section (which dates are referred to as "notice dates"), and if an employee is not to be retained, the president shall advise the employee when the employee's services will terminate in accordance with subdivision (c) of this section.

(a) At campuses not on quarter system year–round operations, each probationary academic employee shall be notified of reappointment, tenure or termination as follows:

(1) In the first probationary academic year of full–time service the employee shall be notified not later than March 1 of that academic year that he or she is to be reappointed for a second academic year, is to receive tenure, or is to be terminated at the end of that college year.

(2) In the second probationary academic year of full–time service the employee shall be notified not later than December 15 of that academic year that he or she is to be terminated at the end of that college year or is to receive further evaluation and a notice regarding his or her third academic year by June 1 of that academic year.

(3) In the second year of full–time service, if the employee is subject to further evaluation and notice as provided in subdivision (a)(2) of this section, the employee shall be notified not later than June 1 of that academic year as to whether his or her subsequent academic year is an additional probationary year or a first year of tenure, or whether he or she is to be terminated at the end of the subsequent college year.

(4) In his third or subsequent academic years of full–time service the employee shall be notified not later than June 1 of each of those years as to whether his or her subsequent academic year is an additional proba-

tionary year or a first year of tenure, or whether he or she is to be terminated at the end of the subsequent college year.

(b) At campuses on quarter system year–round operations, each probationary academic employee shall be notified of reappointment, tenure or termination, as follows:

(1) In the first year of full–time service, if the employee's period of four consecutive quarters began with the summer or fall quarter, the employee shall be notified not later than March 1 of that academic year, that he or she is to be reappointed to a second academic year, is to receive tenure, or is to be terminated at the end of that college year.

(2) In the first year of full–time service, if the employee's period of four consecutive quarters began with the winter or spring quarter, the employee shall be notified not later than September 1 of that academic year, that he or she is to be reappointed to a second academic year, is to receive tenure, or is to be terminated at the end of that college year.

(3) In the second year of full–time service, if the employee's period of four consecutive quarters began with the summer or fall quarter, the employee shall be notified not later than December 15 of that academic year, that he or she is to be terminated at the end of that college year or is to receive further evaluation and notice regarding a third academic year, by June 1 of that academic year.

(4) In the second year of full–time service, if the employee is subject to further evaluation and notice as provided in subdivision (b)(3) of this section, the employee shall be notified not later than June 1 of that academic year as to whether the subsequent academic year is an additional probationary year or a first year of tenure, or whether the employee is to be terminated at the end of the subsequent college year.

(5) In the second year of full–time service, if the employee's period of four consecutive quarters began with Winter or Spring Quarter, the employee shall be notified not later than June 1 of that academic year whether the subsequent academic year is an additional probationary year or a first year of tenure, or whether the employee is to be terminated at the end of the subsequent college year.

(6) In the third or subsequent academic years of full–time service, the employee shall be notified not later than June 1 of each of those academic years as to whether the subsequent academic year is an additional probationary year or a first year of tenure, or whether the employee is to be terminated at the end of the subsequent college year.

(c) Probationary academic employees who are not reappointed or awarded tenure shall terminate their services as follows:

(1) At the end of the college year during which the notice date occurs for:

(A) first year academic employees,

(B) second year academic employees at campuses not on quarter system year–round operations, who are not appointed to a third academic year,

(C) second year academic employees at campuses on quarter system year–round operations whose periods of four consecutive quarters begin with the summer or fall quarter, who are not reappointed to a third academic year.

(2) At the end of the college year next following the college year during which the notice date occurs for:

(A) second year academic employees other than those to whom subdivision (c)(1) is applicable,

(B) third and subsequent academic year employees.

(d) Probationary academic employees serving on 12 month appointments shall gain service credit toward tenure in the same manner as academic year employees at the same campus and shall be subject to the notice dates and termination dates as are applicable to academic year employees at the same campus as specified in this section.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89500 and 89534, Education Code. Reference: Section 89534, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35). For prior history, see Register 71, No. 31.
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43562. Probationary Period, Promotion, and Nonaccruing Assignments.

An academic employee who has gained tenure shall be required to serve only one probationary period during employment at a campus. When an academic employee who has tenure is promoted, it shall be deemed that the employee has all rights provided by this article at the new rank. The employee shall not acquire tenure in an academic–administrative assignment or in an executive position.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43563. Leave of Absence Without Pay.

(a) A leave of absence without pay taken during a probationary period for an assignment determined by the campus president to be of a nature valuable to the campus shall not constitute a break in service for the purpose of acquiring tenure. One academic year or less of such leaves may, at the discretion of the president, be counted towards the required service for tenure. However, for a probationary period in a leave status to be counted towards eligibility for tenure, an appraisal of such relevant experience must be made and included in the total appraisal of the individual.

(b) The president shall determine whether a leave of absence without pay, for reasons other than those indicated in (a) above, shall constitute a break in the probationary period.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment of subsection (a) filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43564. Late Reporting for Duties.

When the circumstances in the judgment of the campus president warrant, reporting for assigned duties within six weeks after the beginning of an academic year may not interrupt the probationary status or reduce the credit value of the probationary academic year in which the late start of less than six weeks occurred.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43565. Service in Academic—Administrative Assignment and Office of the Chancellor.

Service by a probationary academic employee in an academic–administrative assignment at the campus or a limited term of service in the Office of the Chancellor shall be counted toward completion of the academic probationary period at the campus. Service in the Office of the Chancellor by an academic employee with tenure shall not effect the employee's tenure status at the campus from which the employee came.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43566. Notifications of Reappointment, Non–Reappointment, and Award or Denial of Tenure.

(a) Notification of all decisions regarding reappointment, nonreappointment and the award or denial of tenure of academic employees shall be in writing and signed by the campus president or designee.

(b) The notice of intention not to reappoint a probationary academic employee or not to award tenure, as the case may be, shall be mailed by certified mail, return receipt requested, to the academic employee at his or her last known address, or the notice may be delivered to the academic employee in person who shall acknowledge receipt of the notice in writing. If such notice is delivered to the academic employee and he or she refuses to acknowledge receipt thereof, the person delivering the notice shall make and file with the campus president an affidavit of service thereof, which affidavit shall be regarded as equivalent to acknowledgement of receipt of notice.

(c) Reappointment to a succeeding academic year, and the award of tenure, may be accomplished only by notice by the president or designee. Notwithstanding any provision of this article to the contrary, no person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time or in the manner prescribed in this article. Should it occur that no notice is received by the times prescribed in this article, it is the duty of the academic employee concerned to make inquiry to determine the decision of the president, who shall without delay give notice in accordance with this section.

NOTE: Authority cited: Sections 66600, 89030, 89035, 89500 and 89534, Education Code. Reference: Sections 89500 and 89534, Education Code.

HISTORY

1. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 72, No. 35.
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43567. Grievance Procedure.

Nothing in this article shall preclude the use of established grievance procedures for academic personnel concerning any individual action relative to the status of an academic employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 12–23–68; effective thirtieth day thereafter (Register 68, No. 49).
2. Repealer of former Section 43567 and renumbering of Section 43568 to Section 43567 filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43568. Notification of Availability.

Individuals who are not accorded tenure at a particular campus may ask that other campuses be notified of their availability in the event suitable vacancies exist which are consonant with their particular talents and abilities. Implementation of this section shall be in accordance with procedures established by the Office of the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Renumbering from Section 43570 filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35)
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43569. Notice by Employees.

If an academic employee desires to terminate an existing appointment or to decline a reappointment, the employee shall give notice not less than three months if the employee's rank is instructor or assistant professor, and not less than four months if the employee's rank is higher, before the end of his or her duties during the academic year exclusive of a special session; but the employee may properly request a waiver of this requirement in case of hardship or in a situation where he or she would otherwise be denied substantial professional advancement.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–5–66; effective thirtieth day thereafter (Register 66, No. 25).
2. Amendment and renumbering from Section 43571 filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43571. Lecturers.

(a) The provisions of this article shall not apply to periods of service in the status of lecturer except that full–time service as a lecturer may be counted as service required for tenure not to exceed two years if it has been without break. Tenure may be awarded at the rank of professor based on service as a lecturer only if a two–year tenure period is utilized, as provided in Section 43560, subdivision (f), in which event up to one year of service as lecturer may be credited.

(b) A lecturer shall be given written notification no later than 30 calendar days prior to the end of the temporary appointment as to whether the lecturer will receive an appointment for the succeeding term. Failure to be so notified shall not constitute a right to employment in the succeeding term. If a lecturer has not received such notification, inquiry shall be made by the lecturer to the dean of the school.

NOTE: Authority cited: Sections 89030, 89500, and 89534, Education Code. Reference: Sections 89500 and 89534, Education Code.

HISTORY

1. Amendment and renumbering from Section 43569 filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment filed 8–4–83; effective thirtieth day thereafter (Register 83, No. 32).

§ 43572. Director of Athletics and Athletic Coach.

(a) The provisions of this article relating to academic tenure shall not be applicable to periods of service in the classes of Director of Athletics or athletic coach.

(b) Appointments to the classes of Director of Athletics or athletic coach shall be made by the president on either an academic year, ten–month or twelve–month basis, and may be renewed on a year–to–year basis, without acquisition of tenure.

(c) Individuals who have served without a break in service in the classes of Director of Athletics or athletic coach, or both, and who are appointed to positions in which academic tenure may be gained, may be credited with not more than two years of service in such positions as service required for tenure; provided, that when such an individual is appointed to the position of Professor, he must serve at least one year in probationary status immediately prior to gaining tenure.

(d) The provisions of this Section shall not be applicable to probationary academic employees appointed prior to September 1, 1971, provided that at the discretion of the president and at the request of the academic employee, an academic employee who has been serving as a coach or director of athletics, may be appointed under the provisions of Subdivision (b) of this Section.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 7–28–71; effective thirtieth day thereafter (Register 71, No. 31).
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 14. Tenure Rights of Administrative Employees

§ 43580. Probationary Period.

If an administrative employee as defined in Section 42700(m), appointed pursuant to Article 2, serves full-time for two years, the said employee shall become a permanent employee on beginning the third year of service subject to reassignment in accordance with Section 66609 and Section 89539 of the Education Code. Employees serving in 10-month positions shall be accorded tenure on beginning their third full term of service. The president shall determine whether a leave of absence without pay shall constitute a break in the probationary period.

NOTE: Authority cited: Sections 66609, 89030, 89035 and 89500, Education Code. Reference: Sections 66609, 89500 and 89539, Education Code.

HISTORY

1. New Article 14 (Sections 43580 through 43587) filed 2-7-62; designated effective 7-1-62 (Register 62, No. 3).
2. Amendment of section and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43581. Transfer.

If an administrative employee is transferred from an existing campus to a newly established campus under the provisions of Education Code Section 89545, such employee shall be accorded tenure rights accumulated as an employee of the existing campus as though the tenure rights had been accumulated as an employee of the newly established campus. He or she is subject to reassignment in accordance with Section 66609 and Section 89539 of the Education Code.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 66609, 89500, 89539 and 89545, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43582. Acquisition of Permanent Status.

An administrative employee shall be required to serve only one probationary period to gain permanent status, except when an employee with permanent status is promoted or reassigned to a position with substantially different duties. If the employee does not become permanent in the new position, the employee shall have the right to return to the former class in which permanent status was held.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
2. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43583. Service in Office of the Chancellor.

Limited-term service by a campus probationary administrative employee in the Office of the Chancellor shall be counted toward completion of the probationary period at the campus from which the employee came. Service in the Office of the Chancellor by a permanent administrative employee of a campus shall not affect the employee's permanent status in the campus from which the employee came.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43584. Service of Employees Transferred Temporarily from Office of the Chancellor.

Limited-term service at a campus by a probationary administrative employee who has been transferred temporarily from the Office of the Chancellor to the campus shall be counted toward completion of the probationary period in the Office of the Chancellor. Limited-term service at a campus by a permanent administrative employee who has been transferred temporarily from the Office of the Chancellor to the campus shall not affect the employee's permanent status in the Office of the Chancellor. Persons acquiring tenure as administrative employees at a campus thereby surrender any tenure rights previously held in the Office of the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8-22-72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 9-20-82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43585. Notice of Rejection to Probationary Administrative Employee.

The president of a campus for campus employees or the Chancellor for employees in the Office of the Chancellor may determine at any time during an administrative employee's probationary period that the employee is to be rejected. Upon making such a determination, the president or the Chancellor shall give notice of rejection to the employee. The notice shall state the assigned date of separation.

(a) The notice periods shall be as follows:

Following completion of six months or more of continuous service, notice shall be given not less than fifteen days prior to the assigned date of separation; or

Following completion of twelve months or more of continuous service, notice shall be given not less than thirty days prior to the assigned date of separation; or

Following completion of eighteen months or more of continuous service, notice shall be given no later than the last day of the probationary period, and not less than forty-five days prior to the assigned date of separation.

Notwithstanding Section 43580, an administrative employee shall not become a permanent employee on beginning the third year of service if notice of rejection pursuant to this section has been given at any time during the probationary period.

(b) When the president or the Chancellor determines that it is in the best interests of the California State University or any campus thereof that a probationary administrative employee should be relieved of any or all of his or her duties following notice of rejection, the president or the Chancellor may designate other duties for the employee, or may direct the employee to take a vacation, or may direct the employee to take a leave of absence with pay. Such designation of other duties, vacation or leave of absence shall not be deemed a disciplinary action or reassignment.

(c) The notice of rejection to the probationary administrative employee shall be in writing, signed by the campus president or designee for campus employees, or Chancellor or designee for employees in the Office of the Chancellor, and mailed by certified mail, return receipt requested to the employee at his or her last known address; or the notice may be delivered to the employee in person who shall acknowledge receipt of the notice in writing. If the notice is delivered to the employee who refuses to acknowledge receipt thereof, the person delivering the notice shall file with the campus president or Chancellor as appropriate, a declaration of service thereof, which declaration shall be regarded as acknowledgement of receipt of notice.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Repealer and new section filed 6–17–77; effective thirtieth day thereafter (Register 77, No. 25).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43586. Reappointment.

After initial appointment, reappointment for the second year during the probationary period shall be automatic unless action of rejection, as outlined in Section 43585, is taken by the campus president or the Chancellor, as the case may be.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43587. Grievance Procedure.

HISTORY

1. Repealer filed 12–30–76; effective thirtieth day thereafter (Register 77, No. 1).

Article 14.1. Permanent Status of Nonacademic Employees

§ 43588.1. Acquisition of Permanent Status.

(a) A nonacademic employee, as defined in Section 42700(o), appointed pursuant to Article 2, and who serves full–time for one year, shall be awarded permanent status on beginning his or her second year of such service. Part–time service performed by such nonacademic employees shall not be credited toward permanent status.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89531, Education Code.

HISTORY

1. New Article 14.1 (Sections 43588.1–43588.3) filed 12–13–71; effective thirtieth day thereafter (Register 71, No. 51).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43588.2. Transfer Rights.

(a) If a nonacademic employee transfers from an existing campus or the Office of the Chancellor to a newly established campus under the provisions of Education Code Section 89545, he or she shall be awarded such permanent status or credit toward permanent status at the newly established campus as he or she had acquired at the existing campus.

(b) If a permanent nonacademic employee transfers from one campus to another existing campus, and such transfer is not under the provisions of Education Code Section 89545, he or she may be appointed with permanent status or with such credit towards permanent status as the president of the campus to which he or she transfers shall determine.

(c) If a probationary nonacademic employee transfers from one campus to another existing campus, and such transfer is not under the provisions of Education Code Section 89545, he or she may be appointed with such credit toward permanent status as the president of the campus to which he or she transfers shall determine.

(d) If a nonacademic employee who holds either permanent or probationary status transfers from a campus to the Office of the Chancellor, or from the Office of the Chancellor to an existing campus, he or she shall receive such credit toward permanent status as the new appointing power shall determine.

NOTE: Authority cited: Sections 66609, 89030, 89035 and 89500, Education Code. Reference: Section 89545, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43588.3. Probationary Period.

A nonacademic employee shall be required to serve only one probationary period to gain permanent status. If such an employee is promoted to a position with substantially different duties or to a position that requires additional duties and abilities, the employee shall serve an additional probationary period; but if permanent status is not awarded in the new position, the employee shall have the right to return to any class in which he or she had permanent status. A permanent nonacademic employee may, with the employee's consent and the approval of the appointing power, be employed at less than full–time and retain permanent status. Seniority credit and any other credit shall be gained only in the proportion the actual time employed is to full–time employment in the position.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89533, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 15. Tenure Rights of Employees Serving in Academic–Administrative Assignments

§ 43593. Academic–Administrative Assignments.

Tenure does not apply to academic–administrative assignments. Persons serving in academic–administrative assignments as defined by action of the Trustees in accordance with Section 42700(p) shall retain any tenure rights already earned either as an academic or administrative employee or in the case of probationary employees at a campus may gain tenure in either the academic or the administrative category, depending on the background and service of the employee as follows:

(a) Probationary academic employees shall continue to serve their probationary period and may acquire academic tenure at a campus while serving in academic–administrative assignments at the campus or limited–term service in the Office of the Chancellor.

(b) Probationary administrative employees shall continue to serve their probationary period and may acquire administrative permanent status while serving in academic–administrative assignments.

(c) Employees serving in academic–administrative assignments who immediately preceding such assignment were academic employees with tenure, shall retain their rights as academic employees.

(d) Employees serving in academic–administrative assignments who immediately preceding such assignments were administrative employees with tenure, shall retain their permanent status as administrative employees.

(e) Persons initially employed in academic–administrative assignments at a campus shall, while serving in such assignments, serve a probationary period toward and may acquire academic or administrative tenure according to the relevance of their assignment and qualifications to either academic or administrative positions. Such employees, if reassigned to academic or administrative positions during their probationary period, shall continue to serve their probationary period according to the requirements of the positions to which they are reassigned. Service time in academic–administrative assignments shall be counted toward tenure in either the administrative or academic category. Employees serving in academic–administrative assignments in the Office of the Chancellor shall earn no tenure or permanent status. Such employees shall retain those rights as acquired elsewhere at the campuses.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 15 (Sections 43593 through 43596) filed 2–7–62; designated effective 7–1–62 (Register 62, No. 3).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43594. Termination of Assignments.

Academic–administrative assignments at a campus may be terminated at any time by a president. Academic–administrative assignments in the Office of the Chancellor may be terminated at any time by the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25).
3. Amendment o NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43595. Leave of Absence Without Pay.

A leave of absence without pay taken during a probationary period for the purpose of teaching, research, study or an assignment determined by a president to be of a nature valuable to the campus shall not constitute a break in service for the purpose of acquiring tenure and one year or less of such leave may, at the discretion of the president be counted towards the required service for tenure.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43596. Transfer to New Campus.

If an employee serving in an academic–administrative assignment is transferred from an existing campus or the Chancellor's office to a newly established campus in accordance with provisions of Education Code Section 89545, such employee shall be accorded such tenure rights at the newly established campus as he or she had previously acquired at the existing campus or acquired prior to service in the Office of the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 15.1. Rules of Procedure for Appearance of an Employee Under Government Code Section 1028.1

§ 43600. Designation of Committee of Governing Body.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.

HISTORY

1. New Article 15.1 (Sections 43600–43604) filed 8–22–62 as procedural regulations; designated effective upon filing (Register 62, No. 17).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Repealer of article 15.1 (sections 43600–43604) and section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43601. Form and Service of Order to Employee.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.

HISTORY

1. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
2. Amendment filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
4. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43602. Meetings.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.

HISTORY

1. Amendment filed 12–17–65; effective thirtieth day thereafter (Register 65, No. 24).
2. Amendment filed 8–22–72; effective thirtieth day thereafter (Register 72, No. 35).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
5. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43603. Counsel.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43604. Conduct of Proceedings.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89042, Education Code; and Section 1028.1, Government Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 15.5. Certification of Nonacademic and Administrative Employees to Continue Employment Beyond Mandatory Retirement Age

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Sections 23922 and 89509, Education Code; and Section 20983.5, Government Code.

HISTORY

1. New Article 15.5 (Sections 43650–43657) filed 3–12–80; effective thirtieth day thereafter (Register 80, No. 11).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

3. Repealer of Article 15.5 (Sections 43650–43657) filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).

Article 15.6. Certification of Tenured Faculty to Continue Employment Beyond Age 70

§ 43660. Purpose.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. New Article 15.6 (Sections 43660–43667) filed 5–8–80; effective thirtieth day thereafter (Register 80, No. 19).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
3. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
4. Repealer of article 15.6 (sections 43660–43668) and section filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43661. Scope and Definition.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43662. Failure to Request or Receive Certification.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43663. Initial Certification.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43664. Recertification.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43665. Employment Status.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43666. Temporary Continuance in Employment.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code; and Sections 12941(a) and 12942, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 4–21–86; effective thirtieth day thereafter (Register 86, No. 17).
3. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43667. Delegation.

NOTE: Authority cited: Sections 23922, 66600, 89030, 89035 and 89500, Education Code; and Section 20983.5, Government Code. Reference: Sections 23922 and 89509, Education Code; and Section 20983.5, Government Code.

HISTORY

1. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

§ 43668. Repeal.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Sections 89030 and 89500, Education Code; Section 12941(a) and 12942, Government Code; Title 29, United States Code, Section 631(d)(100 Stat. 3344).

HISTORY

1. New section filed 9–23–93; operative 10–25–93 (Register 93, No. 39).
2. Repealer filed 7–19–2004; operative 7–19–2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

Article 16. Authority to Meet and Confer with Employee Organizations

§ 43700. Delegation of Authority.

The Chancellor or designee is authorized to meet and confer, on behalf of the Board of Trustees, with representatives of employee organizations concerning matters relating to employment conditions, including, but not limited to, wages, hours and other terms and conditions of employment upon request, and shall consider as fully as the Chancellor deems reasonable such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination or recommendation of policy or course of action.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 16 (Sections 43700, 43701, 43702) filed 4–9–71; effective thirtieth day thereafter (Register 71, No. 15). Former Section 43700 renumbered to 43800.
2. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43701. Reports.

The Chancellor shall report requests to the Chair of the Board of Trustees and to the Chair of the Committee on Collective Bargaining. Periodically, the Chancellor shall report on such meetings to the Chair of the Committee on Collective Bargaining of the Board of Trustees.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43702. Reservation of Authority.

The Chair of the Board of Trustees may, in his or her discretion, cause the Board or a committee thereof to meet and confer with representatives of employee organizations.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43703. Policy for Employee Organizations.

The several campuses and the Office of the Chancellor of The California State University will operate under the uniform, systemwide policy governing relationships with employee organizations engaging in organizational activities, provided by Sections 43703 through 43711 of this Article. The Chancellor or the Chancellor's designee shall prescribe and may from time to time revise rules and procedures concerning campus relations with employee organizations. Only employee organizations which have been verified by the Office of the Chancellor in accordance with Section 43710 are entitled to privileges of this policy. Campuses will be informed as to those organizations which have been verified. Persons representing organizations which purport to represent campus employees but which have not been verified, shall be referred to the Office of the Chancellor.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43703.1. Definitions.

The following definitions apply to the terms used in Sections 43703 through 43711.

(a) "Campus" includes the various work locations of employees of The California State University including the Office of the Chancellor.

(b) "Chief Executive Officer" means, in the Office of the Chancellor, the Chancellor or the Chancellor's designee, and on a campus, the President or the President's designee.

(c) "Employee organization" means any organization of any kind in which campus employees participate and which exists for the purpose, in whole or in part, of dealing with the employer concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment of employees. An academic senate or other similar academic bodies or divisions thereof shall not be considered an employee organization.

(d) "Organizational activities" means any activities engaged in by an employee organization on any campus except for representation of employees in grievances, disciplinary actions, and meet and confer sessions held pursuant to Sections 43700 and 43702 of this Article.

(e) "Work time" means time in which an employee is expected to be performing services for the campus. Work time would normally not include scheduled rest breaks and lunch periods.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Government Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43704. Representatives.

Employee organization officers and representatives who are not employees of the campus and who desire to carry on organizational activities on the campus must notify the Chief Executive Officer prior to conducting activities on behalf of an employee organization. This notice shall conform to the procedures designated for that purpose by the Chief Executive Officer. Campus procedures may require the identity of the campus visitor, the time of the visit, and the areas to be visited.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43705. Use of Campus Facilities.

Use of campus facilities by employee organizations shall not interfere with or disrupt campus business or violate security, safety, or health regulations of the campus. All meetings shall be conducted outside the work time of employees in attendance. If costs for additional maintenance or security are incurred by the use of facilities, such costs shall be borne by the employee organization.

Campus offices provided to employees shall not be used by employee organizations for organizational activities. Office space will not be provided to employee organizations.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43706. Display and Distribution of Organizational Materials.

Display and distribution of organizational materials may be made only at designated points on the campus. Organizational materials may not be distributed to employees on their work time. An adequate number of designated points, including space on bulletin boards, shall be provided at each campus. This rule does not cover personal apparel items, such as lapel buttons, and automobile bumper stickers placed on private automobiles by their owners.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43707. Campus Mail Services.

Subject to reasonable regulations, including charges where additional costs are incurred, representatives of verified employee organizations shall be afforded access to campus mail services and mail boxes for the purpose of distributing materials to employees. All materials distributed under this provision must identify the employee organization which is distributing the materials. One copy of all materials distributed through campus mail services or mail boxes must be directed to the Chief Executive Officer along with the name and telephone number of the representative responsible for the distribution.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43708. Organizational Solicitation.

Solicitation by nonemployee representatives of employee organizations shall not occur during work time. Employees may not engage in solicitation for or against employee organizations or for or against issues at times which will interfere with their own work or the work of other employees. In the event that it is not possible for a representative of a verified employee organization to communicate with an employee during non–work times, such employee organization shall be afforded reasonable opportunities as determined by the Chief Executive Officer to communicate with employees so long as such communication does not interfere with the work of the campus or violate security, safety or health requirements.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43709. Use of Campus Equipment.

Campus equipment and supplies shall not be used by employee organizations for any purpose. Campus telephones may not be used for organizational activities.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43710. Verification of Employee Organizations.

Each employee organization which desires to represent campus employees shall be required to furnish the Office of the Chancellor at the time of initial verification, and subsequently between October 1 and 15 of each year, a written statement containing:

(a) The name and address of the employee organization, its parent body, if any, and its affiliates, if any.

(b) The names and addresses of the employee organization's principal officers and all representatives who are authorized to represent the organization, specifying to which campus(s) each officers and representative's authority applies.

(c) A description of the employee classifications the employee organization is seeking to represent.

(d) A copy of the Constitution and By–laws of the organization, its parent body, if any, and its affiliates, if any.

(e) A statement that one of the organization's purposes is the representation of CSU employees concerning, in whole or in part, grievances, labor disputes, wages, hours, and other terms and conditions of employment of employees.

Employee organization shall promptly amend these written statements during each year as changes occur. The Office of the Chancellor will notify each campus of the filings concerning the campus.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43711. Violation of Policy: Hearings.

Employee organizations which do not comply with Sections 43703 through 43711 or with campus rules promulgated to implement them may be denied any or all privileges provided for in this policy. The Chancellor or the Chancellor's designee, hereinafter referred to as the Reviewing Officer, shall determine noncompliance and the extent to which any privileges shall be revoked for employee organizations who have violated the policies established by Sections 43703 through 43711 of this Article. When the Reviewing Officer has reason to believe that a particular employee organization has violated this policy and that withdrawal of privileges may be called for, the Reviewing Officer may undertake an inquiry. In such cases, the Reviewing Officer, shall notify the employee organization in question and the appropriate Chief Executive Officer, of the possible violation. The Reviewing Officer shall arrange a conference; all parties will be given reasonable notice of the time and place of the conference. The conference shall be called to determine whether violations of the policy have occurred and what, if any, sanctions are appropriate. The employee organization shall be advised of the alleged violations of the policy and of the range of sanctions which may be imposed if the violation is found to have occurred. The Reviewing Officer may demand information from the employee organization or any other individual with information concerning the alleged violation. Employee organizations shall have the right of access to all materials upon which the allegations are based and which the Reviewing Officer considers in making his or her decision. The conference shall be conducted in the manner and format directed by the Reviewing Officer. Following the conference at which the Reviewing Officer considers the allegations and information received, the Reviewing Officer shall make a finding of whether a violation has occurred and determine what, if anything, is appropriate. The Reviewing Officer is authorized to restrict or withdraw privileges granted under this policy. In addition, the Reviewing Officer may also make any other provisions consistent with law as may in the Reviewing Officer's judgment be appropriate with respect to violations, including recommendations for disciplinary, civil, or criminal actions resulting from alleged violations and withdrawal of any other privileges provided to the employee organizations or their officers and representatives.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code; and Section 3568, Government Code. Reference: Section 89500, Education Code.

HISTORY

1. New section filed 5–8–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 16.1. Public Notice of Initial Proposals of Exclusive Representatives and California State University

§ 43725. Procedures.

Meeting and conferring as defined in the Higher Education Employer–Employee Relations Act shall not commence on an initial proposal which relates to matters within the scope of representation until the Board of Trustees has conducted not less than four (4) public meetings scheduled no sooner than seven (7) calendar days from one another. Such meetings shall proceed in a manner to be determined by the Board of Trustees or its designated committee, subject to the following requirements:

(a) An initial meeting to present the proposal of an exclusive representative for a particular unit shall be scheduled within a reasonable time by the Board of Trustees or its designated committee.

(b) At the first meeting called for a particular representation unit, the exclusive representative shall present its proposal in writing and shall have ten (10) copies of such proposal for members of the Board of Trustees or its designated committee present, twenty (20) additional copies for distribution to the main library at each campus and in the Office of the Chancellor, and a sufficient quantity, but not fewer than twenty (20), for interested members of the public in attendance at the public hearing. At the time of such presentation, a representative of the exclusive representative may address the Board of Trustees or its designated committee for the purpose of clarifying or amplifying upon any portion of its proposal. Thereafter, the Board of Trustees or its designated committee shall set a time for a second public hearing.

(c) At such second meeting, members of the public shall be given an opportunity to address the proposals presented at the previous meeting. If a member of the public wishes to speak, he or she will be asked but not required to give his or her name, address, name of organization, if any, and on whose behalf he or she is speaking. Members of the public may submit written statements in addition to or in lieu of oral statements. Such written statements shall become a part of the record. At the conclusion of the testimony with respect to the exclusive representative's proposal for a given unit, the Board of Trustees or its designated committee shall schedule a third meeting.

(d) At the third meeting, the Board of Trustees or its designated committee shall present management's proposal for the representation unit in question in writing and shall have six (6) copies of such proposal fo the exclusive representative, twenty (20) additional copies for distribution to the main library at each campus and in the Office of the Chancellor, and a sufficient quantity, but not fewer than twenty (20), for interested members of the public in attendance at the public hearing. At such meeting, the Board of Trustees or its designated committee may, at its discretion, clarify or otherwise explain its proposal. Thereafter, the Board of Trustees or its designated committee shall set a time for a fourth public meeting.

(e) At the fourth meeting, members of the public shall be given an opportunity to address the proposals presented at the third meeting. In all other respects, the rules which govern the second meeting, set forth in subsection (c) hereof, shall govern.

(f) After the public has had the opportunity to express itself, the Board of Trustees or its designated committee shall, at the fourth meeting or at an additional public meeting scheduled at the Board of Trustees' or its designated committee's discretion, adopt a proposal including any changes in its initial proposal which it deems appropriate in light of the proceedings described herein.

(g) Notwithstanding any other provision of this Article, for all meetings required pursuant to this Article, if the Board of Trustees or its designated committee fails to schedule a meeting, it shall be scheduled by the Chair of the Board of Trustees or of its designated committee.

(h) Nothing herein shall preclude the consideration or proposals for more than one representation unit at a particular public meeting.

NOTE: Authority cite: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 16.1 (Sections 43725 and 43726) filed 9–30–81; effective thirtieth day thereafter (Register 81, No. 40).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43726. Procedures—Additional Proposals.

If new subjects of meeting and conferring arise after the presentation of the initial proposals, the following procedures shall prevail:

(a) All new subjects of meeting and conferring, whether proposed by the exclusive representative or the Board of Trustees or its designated committee, shall be posted by The California State University within twenty–four (24) hours and no meeting and conferring will take place on the subject until the item has been posted for twenty–four (24) hours.

(b) If the Board of Trustees or its designated committee votes on any new subject described above, the vote thereon by each member voting shall be disclosed by posting within twenty–four (24) hours.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of subsection (a) filed 10–1–2007; operative 10–1–2007 pursuant to Education Code section 89030.1(e) (Register 2007, No. 40).

Article 16.2. Bona Fide Associations

§ 43727. Definition.

For the purpose of this article, "bona fide association" means an organization of employees and/or former employees of the California State University which does not have as one of its purposes the representing of employees in their relations with the California State University or any entity of the State of California. A "bona fide association" may include affirmative action advocacy groups and professional organizations.

NOTE: Authority cited: Sections 89030 and 89500, Education Code; and Section 3566, Government Code. Reference: Sections 1150(d) and 3566, Government Code.

HISTORY

1. New Article 16.2 (Sections 43727–43729) filed 10–28–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 44).

§ 43728. Registration.

Each bona fide association shall submit to the Chancellor or designee an annual registration statement on or about July 1 of each calendar year in a form prescribed by the Chancellor or designee. The registration statement shall include the following information: name of the bona fide association, its headquarters address, telephone number, list of principal officers and their mailing addresses. The statement shall also include a written certification that the bona fide association is observing and has observed in the past year the following:

(a) The purpose of the association is not to represent California State University employees or any other State employees on matters within the scope of representation; and

(b) The association does not have an affiliation with an employee organization of the California State University or any other State entity; and

(c) The association is not acting as an employee organization by filing unfair labor practice charges or competing to be an exclusive bargaining agent in unit certification elections of the California State University or any other State entity.

The statement shall be accompanied by a copy of the association's bylaws and a statement of the organization's purpose.

NOTE: Authority cited: Sections 89030 and 89500, Education Code; and Section 3566, Government Code. Reference: Sections 1150(d) and 3566, Government Code.

§ 43729. Revocation of Registration.

The registration of a bona fide association may be removed by the Chancellor or designee for the following reasons:

(a) Determination by the Chancellor or designee that the bona fide association has represented an employee in his or her employer– employee relations with the California State University or an entity of the State of California, or is affiliated with an employee organization of the California State University or any other State entity.

(b) Failure of the bona fide association to provide the annual registration statement.

(c) Determination by the State Controller that the bona fide association has interfered or failed to cooperate in an employee's request to decline membership or payroll dues deduction.

NOTE: Authority cited: Sections 89030 an 89500, Education Code; and Section 3566, Government Code. Reference: Sections 1150(d) and 3566, Government Code.

Article 17. Rules of Procedure for Grievance Proceedings for Academic Personnel

§ 43750. Delegation of Authority.

The Chancellor shall prescribe, and may from time to time revise Grievance Procedures for Academic Personnel which meet the requirements of Education Code Section 89542.5. The Chancellor shall consult as appropriate with respect to such procedures. The Chancellor shall report to the Board on procedures issued or revised pursuant to this section.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89542.5, Education Code.

HISTORY

1. New Article 17 (Section 43750) filed 6–21–73; effective thirtieth day thereafter (Register 73, No. 25).
2. Amendment filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31).
3. Amendment of section and NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 18. Rules of Procedure for Grievance Proceedings for Nonacademic and Administrative Personnel

§ 43775. Delegation of Authority.

The Chancellor shall prescribe and may from time to time revise grievance procedures for nonacademic and administrative personnel as defined in Section 42700(o) and (m) respectively. The Chancellor shall consult as appropriate with respect to such procedures. These procedures may be utilized for all nonacademic and administrative employees except nonacademic and administrative employees who are temporary employees and shall include nonacademic and administrative employees who are on full or partial leave of absence with or without pay. The Chancellor shall report to the Board on procedures issued or revised pursuant to this section and shall require their publication at the campuses in an appropriate manner.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. New Article 18 (Section 43775) filed 12–30–76; effective thirtieth day thereafter (Register 77, No. 1).
2. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 19. Amendment

§ 43800. Amendment.

The Trustees retain authority, pursuant to law, to add, amend, or repeal any of their regulations including but not limited to those relating to tenure, layoff, dismissal, demotion, suspension or reinstatement of academic and administrative employees, in whole or in part, at such time as they may choose.

NOTE: Authority cited: Sections 66600, 89030, 89035 and 89500, Education Code. Reference: Section 89500, Education Code.

HISTORY

1. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 77, No. 1.
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 20. California State University—Conflict of Interest Code

NOTE: It having been found, pursuant to Government Code Section 11409(a), that the printing of the regulations constituting the Califor-

nia State University Conflict of Interest Code is impractical and these regulations being of limited and particular application, these regulations are not published in full in the California Code of Regulations. The regulations are available to the public for review or purchase at cost at the following locations:

THE CALIFORNIA STATE UNIVERSITY
401 GOLDEN SHORE, 4TH FLOOR
LONG BEACH, CALIFORNIA 90802

FAIR POLITICAL PRACTICES COMMISSION
1100 K STREET
SACRAMENTO, CALIFORNIA 95814

ARCHIVES
SECRETARY OF STATE
1020 "O" STREET
SACRAMENTO, CALIFORNIA 95814

The California State University Conflict of Interest Code is designated as Article 20 of Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations and consists of sections numbered and titled as follows:

Article 20. California State University—Conflict of Interest Code

Section
43810. General Provisions
Appendix

NOTE: Authority cited: Sections 87300 and 87304 Government Code. Reference: Sections 87300, et. seq., Government Code.

HISTORY

1. New article 20 (sections 43810–43820, Exhibits A and B) filed 6–26–78; effective thirtieth day thereafter. Approved by Fair Political Practices Commission (Register 78, No. 26).
2. Repealer of article 20 (sections 43810–43820 and Exhibits A and B) and new article 20 (section 43810 and Appendix) filed 2–26–81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12–1–80 (Register 81, No. 9).
3. Amendment of Appendix filed 12–19–84; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12–4–84 (Register 84, No. 51).
4. Amendment of Appendix filed 3–21–86; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 2–4–86 (Register 86, No. 12).
5. Amendment of General Provisions and Appendix filed 6–23–94; operative 7–25–94. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 2–17–94 (Register 94, No. 25).
6. Amendment of agency address filed 11–28–2001; operative 11–28–2001. Submitted to OAL for printing only (Register 2001, No. 50).
7. Amendment of appendix filed 12–7–2005; operative 12–7–2005. Approved by Fair Political Practices Commission 3–9–2005 (Register 2005, No. 49).

Article 21. Effect of Memorandum of Understanding on Subchapter

§ 43825. Memorandum of Understanding.

Notwithstanding any other provision of this subchapter, if a Memorandum of Understanding entered into pursuant to the Higher Education Employer–Employee Relations Act is in conflict with provisions in this subchapter, the terms of the Memorandum of Understanding and not the provisions of this subchapter shall govern as to those employees covered by the Memorandum of Understanding.

NOTE: Authority cited: Sections 66600, 89030 and 89500, Education Code. Reference: Section 3560, et seq., Government Code.

HISTORY

1. New Article 21 (Section 43825) filed 8–11–82; effective thirtieth day thereafter (Register 82, No. 33).

Subchapter 8. Environmental Quality

Article 1. General

§ 43850. Authority.

The regulations adopted under this Subchapter implement the requirements of the California Environmental Quality Act of 1970, and the Statewide Guidelines issued by the Resources Agency, pursuant to Public Resources Code Section 21082.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. New Subchapter 8 (Sections 43850–43854, 43860, 43861) filed 10–12–73; effective thirtieth day thereafter (Register 73, No. 41).
2. Repealer of Subchapter 8 (Sections 43850–43861, not consecutive) and new Subchapter 8 (Sections 43850–43861, not consecutive) filed 4–26–77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment of NOTE filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
4. Amendment of NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43851. Definitions.

(a) Environmental Documents. "Environmental Documents" means Draft and Final Environmental Impact Reports, Environmental Impact Statements, Initial Studies, Negative Declarations, Notices of Completion, Notices of Determination, and any other studies, reports, or documents required of the Trustees by environmental legislation or applicable administrative rules.

(b) Ministerial Projects. The term "Ministerial Projects" refers to projects in which the Trustees' actions involve only the use of fixed standards or objective measurements without personal judgment. Ministerial projects are not covered by the Environmental Quality Act of 1970; they therefore do not require an environmental study or the preparation of an Environmental Document.

(c) Project. (1) The term "Project" refers to the whole of an action, which has a potential for resulting in a physical impact on the environment, directly or ultimately, that is any of the following:

(A) An activity directly undertaken by the Trustees including ut not limited to, public works construction or related activities, clearing or grading of land and improvements to existing public structures, which will result in a physical change in the environment; and the adoption of a new campus Master Plan or substantial revisions thereof.

(B) An activity undertaken by a person which is supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from the Trustees which will result in a physical change in the environment.

(C) The issuance by the Trustees of a lease, permit, license, or other entitlement for use to a person which use will result in a physical change in the environment.

(2) The term "Project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "Project" does not mean each separate governmental approval.

(3) The term "Project" does not include:

(A) Anything specifically exempted by state law.

(B) Proposals for legislation to be enacted by the state Legislature other than Trustee requests for authorization of funding independently from the Budget Act.

(C) Continuing administrative or maintenance activities such as purchases for supplies, personnel–related actions, emergency repairs to public service facilities, academic and other general policy and procedures making (except as they are applied to specific instances covered above), feasibility or planning studies.

(D) The submittal of proposals to a vote of the people of the state or of a particular community.

(E) Personnel actions.

(F) Ministerial projects.

(d) Statewide Guidelines. The term "Statewide Guidelines" means the official regulations on environment applicable to all state agencies including the Trustees, as adopted by the Office of Planning and Research and the Secretary for the Resources Agency pursuant to Public Resources Code Section 21083. These regulations may be found in Chapter 3, Division 6 of Title 14, California Administrative Code, commencing with Section 15000.

(e) Trustees. As used in this subchapter, "Trustees" refers to the Board designated by Education Code Section 66600 and to the Board's authorized officers acting within the scope of their duties.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. Amendment of subsection (e) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
2. Amendment of subsection (d) filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43852. Purpose.

The purpose of these regulations is to provide for the principles, procedures, objectives, criteria and definitions to be used by the California State University in implementation of the California Environmental Quality Act of 1970. The orderly evaluation of a project must include consideration of the project's effects, if any, on the environment. This requires that initial studies be made on every project to determine if it will have a significant environmental effect. Environmental Documents will then be prepared and considered as a part of the planning process for all projects.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39). Reference: Section 21082, Public Resources Code

Article 2. Guidelines

§ 43853. Application.

These Guidelines have only general application to the diversity of projects undertaken or approved by the Trustees. They provide basic principles, objectives, criteria and definitions which are to be applied to the study of specific projects connected with the Trustees under procedures adopted pursuant to the delegation of authority provided in this Subchapter.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43854. Statewide Guidelines.

Procedures adopted under these Guidelines shall comply with the applicable requirements of the Statewide Guidelines.

NOTE: Authority cited: Sections 66600, 89030, and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 3. Authority to Adopt New Rules, Orders and Procedures

§ 43860. Delegation of Authority.

The Chancellor or designee is authorized to adopt such rules, orders, and procedures as may be necessary or appropriate to carry out these guidelines, including but not limited to:

(a) The designation of the appropriate officers or employees to conduct initial studies, order, prepare, review and make findings on Environmental Documents, and make such other decisions and determinations as are required under the procedures established by this Subchapter and the Statewide Guidelines.

(b) The issuance of new rules or procedures to conform the policies of the Trustees to changes in the Statewide Guidelines or any other requirements of state or federal law.

(c) Establishing fees pursuant to Education Code Sections 90500 and 89700, Public Resources Code Section 21089 and the Statewide Guidelines.

(d) Making application for the designation of categorical exemptions.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. Amendment of subsection (c) filed 4–29–77; effective thirtieth day thereafter (Register 77, No. 18).
2. Amendment filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 43861. Designations.

Persons designated pursuant to subdivision (a) of Section 43860 are authorized to order, prepare, and review Environmental Documents and to make such findings and determinations as are provided for under the California Environmental Quality Act of 1970, the Statewide Guidelines, and other environmental legislation and administrative rules applicable to the Trustees.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code; and Section 21082, Public Resources Code. Reference: Section 21082, Public Resources Code.

HISTORY

1. New NOTE filed 9–20–82; effective thirtieth day thereafter (Register 82, No. 39).

Subchapter 9. Contracts and Purchases

Article 1. Disabled Veteran Business Enterprise Participation Goal for California State University Contracts

§ 43870. Contract Approval.

Contracts of the Trustees under the California State University Contract Law (Public Contract Code, section 10700 et seq.) and contracts of the Trustees under section 10295 of the Public Contract Code shall comply with the DVBE provisions of article 1.5 (commencing with section 10115 of chapter 1 of part 2 of division 2 of the Public Contract Code and these regulations.

NOTE: Authority cited: Section 89030, Education Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115 et seq., 10290 et seq., 10700 et seq., 12100 et seq. and 12120 et seq., Public Contract Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of article heading filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment filed 7–31–95; operative 8–30–95 (Register 95, No. 31).
4. Amendment of article heading and section filed 8–5–98; operative 8–5–98 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only (Register 98, No. 39).

§ 43871. Definitions.

As used in these regulations:

(a) "Trustees," for the purposes of this subchapter, means the Board of Trustees of the California State University created by section 66600 of the Eduction Code, and includes any division or campus thereof which has been delegated the authority to enter into contracts on behalf of the Trustees, and any person acting under authority of such delegation.

(b) "DVBE" means disabled veteran business enterprise.

(c) The term "contract" shall have the meaning set forth in section 10115.1 of the Public Contract Code.

(d) The term "disabled veteran business enterprise" ("DVBE") shall mean a business concern meeting the criteria of Military and Veterans Code Section 999(g).

(e) "Bidder" means any person or entity making an offer or proposal, competitively or noncompetitively, for the purpose of securing the awarding or letting of a contract by the Trustees.

NOTE: Authority cited: Section 89030, Education Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115, et seq., 10290 et seq., 10700 et seq., 12100 et seq. and 12120 et seq., Public Contract Code; and Section 999(g) Military and Veterans Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of subsection (b), new subsection (d) and subsection relettering, and amendment of NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of subsections (b) and (c) filed 8–5–98; operative 8–5–98 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only (Register 98, No. 39).

§ 43872. Disabled Veteran Business Enterprise Goal.

In addition to other State contracting requirements, to qualify as a responsive bidder, a bidder may be required to meet the statewide participation goal, or demonstrate that a good faith effort was made to meet it, or, for contracts for materials, supplies, or equipment, including electronic data processing goods and services, have filed prior to the date for submitting an offer or proposal with the Trustees, a disabled veterans business enterprise utilization plan with the Department of General Services.

NOTE: Authority cited: Section 89030, Education Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115 et seq., 10290 et seq., 10700 et seq., 12100 et seq. and 12120 et seq., Public Contract Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of section and NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment filed 7–31–95; operative 8–30–95 (Register 95, No. 31).
4. Amendment of section heading and section filed 8–5–98; operative 8–5–98 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only (Register 98, No. 39).

§ 43873. Meeting the Goal or Making a Good Faith Effort.

(a) The requirement to meet the DVBE goal or make a good faith effort to meet it must be satisfied, at the time of bid opening, by meeting the provisions of (b) or (c) below.

(b) The requirement for meeting the DVBE goal shall be deemed to have been met if a bidder is a disabled veteran business enterprise and committed to performing not less than 3 percent of the dollar amount of the bid with its own forces, or is committed to use DVBEs for not less than 3 percent of the dollar amount of the bid.

(c) The requirement for making a good faith effort to meet the DVBE goal shall be determined as follows: the Trustees shall evaluate the effort made by the bidder to seek out and consider disabled veteran business enterprises as potential subcontractors, materials and equipment suppliers, or both in order to meet the requirement set forth in subdivision (b). In evaluating such effort, the Trustees shall consider written evidence of the actions specified in Public Contract Code, section 10115.2(b). Based on this evaluation, the Trustees, in its sole discretion, may make a finding that the good faith effort requirement has been met.

NOTE: Authority cited: Section 89030, Education Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115 et seq., 10290 et seq., 10700 et seq., 12100 et seq. and 12120 et seq., Public Contract Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of subsections (b)(1), (b)(2) and (c), new subsection (b)(3), subsection renumbering, and amendment of NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of section heading and section filed 8–5–98; operative 8–5–98 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only (Register 98, No. 39).

§ 43874. Contract Awards.

(a) If a bidder fails to meet the "good faith effort" requirement of section 43873 and, for contracts for materials, supplies, or equipment, including electronic data processing goods and services, fails to have filed prior to the date for submitting an offer or proposal with the Trustees a disabled veterans business enterprise utilization plan with the Department of General Services, such bidder shall be deemed not to be a responsive bidder for purposes of Trustees' evaluation of an award of contract and is thus ineligible for an award. No provision of these regulations, however, shall be deemed to require the Trustees to make an award.

(b) With respect to invitations for bid for the purchase of supplies or equipment pursuant to the provisions of article 3 of chapter 2 of part 2 of division 2 of the Public Contract Code or the acquisition of goods and services pursuant to the provisions of chapter 3 of part 2 of division 2 of the Public Contract Code (commencing with section 12100) where the Trustees have reserved the right to make multiple awards of a single contract award, a bidder shall be deemed responsive regarding the requirement for the making of a good faith effort if there would be compliance with the provisions of section 43873 based on award for a single contract, notwithstanding such bidder may be unable to achieve compliance with the established goals if the Trustees exercise the right to make multiple awards.

(c) The statutory goals for awards of contracts under these provisions shall apply to the overall amount expended each year by the Trustees, and need not be met by every individual contract.

NOTE: Authority cited: Section 89030, Education Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115 et seq., 10290 et seq., 10700 et seq., 12100 et seq. and 12120 et seq., Public Contract Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. New subsection (c) and amendment of NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of subsection (a) filed 7–31–95; operative 8–30–95 (Register 95, No. 31).
4. Amendment of subsection (a) filed 8–5–98; operative 8–5–98 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only (Register 98, No. 39).

Article 2. Disabled Veteran Business Enterprise Participation Goal for Professional Bond Services

§ 43880. Purpose.

These regulations implement Sections 999.1–999.9 of the Military and Veterans Code which establish a disabled veteran enterprise participation goal for professional bond services contracts for issuance of bonds by or on behalf of the State of California.

NOTE: Authority cited: Section 89030, Education Code; and Section 999.5(b), Military and Veterans Code. Reference: Section 89036, Education Code; and Section 999 et seq., Military and Veterans Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of article heading, section and NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of article heading, section and NOTE filed 11–27–2001; operative 11–27–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 4).

§ 43881. Definitions.

The terms used in this article shall have the meanings described in Military and Veterans Code, section 999.

NOTE: Authority cited: Section 89030, Education Code; and Section 999.5(c), Military and Veterans Code. Reference: Section 89036, Education Code; and Section 999 et seq., Military and Veterans Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Repealer and new section filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of section and NOTE filed 11–27–2001; operative 11–27–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 4).

§ 43882. TBE List.

The Treasurer maintains a list of target business enterprises (TBE) which include disabled veteran business enterprises (DVBE's). The list is organized by the types of professional bond services (e.g., underwrit-

ers, bond counsels, financial advisors). The list shall be known as the "TBE List." The Trustees shall use this list as evidence that TBE's meet the requirements of law. Applications for inclusion on this list, and appeals from determinations of the Treasurer, may be made in accordance with California Code of Regulations, title 2, sections 1899.510 et seq.

NOTE: Authority cited: Section 89030, Education Code; and Section 999.5(b), Military and Veterans Code. Reference: Section 89036, Education Code; and Section 999 et seq., Military and Veterans Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Repealer and new section filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of section and NOTE filed 11–27–2001; operative 11–27–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 4).

§ 43883. Competitive Sales.

(a) Notices. If bonds are to be sold by competitive bid, the notice of sale shall:

(1) Be delivered to all underwriters on the TBE List;

(2) Contain, in substance, the following statement:

"Firms owned by disabled veterans are encouraged to respond to this invitation for bid. The Trustees have adopted regulations and a participation goal for professional bond services firms owned by disabled veterans. All bidders must certify awareness of these regulations and goal. Successful bidders will be required to submit reports to the Trustees concerning TBE outreach efforts and professional bond service participation in transactions related to the offer and sale of the bonds that are the subject of this notice of sale."

(b) Bids.

(1) The form for submitting bids shall contain, in substance, the following certification which shall be executed by the bidder:

"Bidder certifies that bidder is aware of the Trustees' regulations and participation goal for TBE's offering professional bond services."

(2) The Senior Managing Underwriter may make the certification required by subdivision (a) on behalf of the syndicate or selling group.

(c) Goals for Competitive Contract. The Trustees' annual goal for TBE participation in competitive contracts for professional bond services shall be 3 percent for disabled veteran business enterprises for each of the professional bond services. This goal need not be met in every competitive bond transaction but will be pursued on an aggregate annual basis considering all competitive bond transactions during a year. This goal will also be described in each notice of sale for bonds to be sold by competitive bid.

(d) Reports. The Senior Managing Underwriter in a competitive sale of bonds shall submit a written report regarding distribution of the underwriter's discount to the Trustees within 10 days of closing a transaction where the Senior Managing Underwriter's services were used.

NOTE: Authority cited: Section 89030, Education Code; and Section 999.5(b), Military and Veterans Code. Reference: Section 89036, Education Code; and Section 999 et seq., Military and Veterans Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of section and NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of section and NOTE filed 11–27–2001; operative 11–27–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 4).

§ 43884. Negotiated Sales.

(a) Goal. The statutory goal for professional bond services in connection with bonds sold in negotiated transactions need not be met in every individual contract for services but will be pursued on an aggregate annual basis considering all contracts for professional bond services during a year. Thus, during the course of a year, there may be contracts without TBE participation and contracts with TBEs as prime contractor or TBE participation substantially higher than the statutory goal.

(b) TBE Qualifications. TBEs shall be considered for only those contracts or participation in contracts commensurate with their experience, capital, and compliance with applicable licensing requirements.

(c) Reports. The Senior Managing Underwriter in a negotiated sale of bonds shall submit a written report regarding distribution of the underwriter's discount to the Trustees within 10 days of closing a transaction where the Senior Managing Underwriter's services were used.

NOTE: Authority cited: Section 89030, Education Code; and Section 999.5(b), Military and Veterans Code. Reference: Section 89036, Education Code; and Section 999 et seq., Military and Veterans Code.

HISTORY

1. New section filed 2–7–91; operative 3–9–91 (Register 91, No. 33).
2. Amendment of subsections (a) and (b) and NOTE filed 11–19–93; operative 11–19–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
3. Amendment of section and NOTE filed 11–27–2001; operative 11–27–2001. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2002, No. 4).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 6. California Community Colleges

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Division 6. California Community Colleges

TABLE OF CONTENTS

Page

Chapter 1. Board of Governors 301
Subchapter 1. Board of Governors' Procedures 301
§ 50001. Selection of President and Vice President.
§ 50002. Student Senate for California Community Colleges.
Subchapter 2. Board of Governors of the California Community Colleges—Conflict of Interest Code 301
§ 50500. General Provisions.
Appendix 301
Subchapter 3. Committees 302
Subchapter 4. Coordinating Council of Higher Education 302
Subchapter 5. Chancellor 302
Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code 302

Chapter 2. Community College Standards 302
Subchapter 1. Minimum Conditions 302
§ 51000. Scope.
§ 51002. Standards of Scholarship.
§ 51004. Degrees and Certificates.
§ 51006. Open Courses.
§ 51008. Comprehensive Plan.
§ 51010. Equal Employment Opportunity.
§ 51012. Student Fees.
§ 51014. Approval of New Colleges and Educational Centers.
§ 51016. Accreditation.
§ 51016.5. Emergency Exception to Accreditation Requirement.
§ 51018. Counseling Programs.
§ 51020. Objectives.
§ 51021. Curriculum.
§ 51022. Instructional Programs.
§ 51023. Faculty.
§ 51023.5. Staff.
§ 51023.7. Students.
§ 51024. Matriculation Services.
§ 51025. Full-Time/Part-Time Faculty.
§ 51025.5. Elimination of Reduction Requirements for Fiscal Years 2002–03 and 2003–04. [Repealed]
§ 51026. Student Equity.
§ 51027. Transfer Centers: Minimum Program Standards.
Subchapter 2. Investigation and Enforcement of Minimum Conditions 308
§ 51100. Review of Colleges.
§ 51102. Enforcement.
Subchapter 3. Faculty 309
Subchapter 4. Standards of Scholarship 309
Subchapter 5. Facilities 309
Subchapter 6. Counseling Services 309
Subchapter 7. Degrees and Certificates 309
Subchapter 8. Degrees and Certificates 309
Subchapter 9. Minimum Class Size 309
Subchapter 10. New Colleges and Educational Centers 309
Subchapter 11. Open Courses 309
Subchapter 15. Minimum Standards for Colleges Operating Pursuant to Education Code 78007 and Not Receiving or Utilizing State or Local Funds 309
Article 1. General Provisions 309
§ 51950. Intent.
§ 51951. Receipt or Use of State and Local Funds.
§ 51952. Discrimination.
§ 51953. Approval.
Article 2. Instructional Programs 310
§ 51955. Objectives.
§ 51956. Curriculum.
§ 51957. Identification of Courses.
§ 51958. College Credit Course.
Article 3. Faculty 310
§ 51963. Faculty Personnel.
§ 51964. Conditions of Instruction.
§ 51965. Employment Affirmative Action.
Article 4. Standards of Scholarship 310
§ 51967. Grading Practices.
Article 5. Facilities 310
§ 51970. Library.
§ 51971. Facilities for Certain Courses.
Article 6. Student Services 310
§ 51975. Counseling Services.
§ 51976. Health Services.
§ 51977. Student Conduct and Expression.
§ 51978. Student Records.
Article 7. Finances 310
§ 51980. Fees.
§ 51981. Budget and Accounting Procedures.
Article 8. Degrees and Certificates 310
§ 51985. Degrees and Certificates.
Article 9. District Responsibilities 310
§ 51987. Master Plans.

Page

§ 51988. Audits.
§ 51989. Budget.
§ 51990. Reports.

Article 10. Compliance 311
§ 51996. Compliance Reviews and Sanctions.

Chapter 3. General Provisions 311
§ 52000. Effect of Specified Board of Governors Regulations.
§ 52010. Effect of Regulations, Revision of District Policies and Publications.

Chapter 4. Employees 311

Subchapter 1. Equal Employment Opportunity Programs 311

Article 1. General 311
§ 53000. Scope and Intent.
§ 53001. Definitions.
§ 53002. Policy Statement.
§ 53003. District Plan.
§ 53004. District Evaluation and Report to Chancellor.
§ 53005. Advisory Committee.
§ 53006. Additional Steps to Ensure Equal Employment Opportunity.
§ 53010. Assistance.
§ 53011. Report.
§ 53012. Periodic Evaluation.

Article 2. Other Specific Responsibilities of Community College Districts 321
§ 53020. Responsibility; Delegation of Authority; Complaints.
§ 53021. Recruitment.
§ 53021.5. Waiver of Limitation on Term of Administrative Contracts.
§ 53022. Job Announcements and Qualifications.
§ 53023. Applicant Pool.
§ 53024. Screening or Selection Procedures.
§ 53025. Persons with Disabilities.
§ 53026. Complaints.
§ 53027. Applicability to Districts Operating on the Merit System.
§ 53028. Affirmative Action Commitment.
§ 53029. Handicapped.

Article 3. Faculty and Staff Diversity Fund 323
§ 53030. Equal Employment Opportunity Fund Allocation.
§ 53031. Success.
§ 53032. Point Factors.
§ 53033. Failure to Report.
§ 53034. Required Report.
§ 53040. Governing Board's Affirmative Action Employment Policy Statement.
§ 53041. Affirmative Action Responsibilities and Duties.
§ 53042. Affirmative Action Officer.
§ 53043. Internal Dissemination.
§ 53044. External Dissemination.
§ 53045. Complaint Procedure.
§ 53046. Work Force Analysis.
§ 53049. Utilization Analysis.
§ 53050. Corrective Action.
§ 53051. Goals and Timetables.
§ 53052. Affirmative Action Advisory Committee.
§ 53060. Fund Allocation.
§ 53061. Success.
§ 53062. Point Factors.
§ 53063. Failure to Report.
§ 53064. Required Report.

Subchapter 2. Certificated Positions 324.1

Article 1. Special Non–Credentialed Employees 324.1
§ 53100. Prerequisites for Employment Under Education Code Section 87401.
§ 53101. Processing of Fingerprint Cards.
§ 53102. Cause for Dismissal.
§ 53103. Report of Persons Employed.

Article 1.5. Sick Leave Transfer 324.1
§ 53125. Transfer of Accumulated Sick Leave.

Article 1.6. Evaluation of Academic Employees 324.2
§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

Article 2. Academic Senates 324.2
§ 53200. Definitions.
§ 53201. Academic Senate or Faculty Council.
§ 53202. Formation; Procedures; Membership.
§ 53203. Powers.
§ 53204. Scope of Regulations.
§ 53205. Duties Assigned by Administration and Governing Board.
§ 53206. Academic Senate for California Community Colleges.
§ 53207. Reimbursement for Release or Reassigned Time.

Subchapter 3. Full–Time and Part–Time Faculty 326

Article 1. Scope and Definitions 326
§ 53300. Scope.
§ 53301. Part–Time Faculty.
§ 53302. Full–Time Faculty.
§ 53308. Full–Time Faculty Percentage.
§ 53309. Rules for Calculating Full–Time Equivalent Faculty (FTEF) Attributable to Full–Time Faculty.

Article 2. Proportions of Full–Time and Part–Time Faculty, Computation and Reports 327
§ 53310. Rules for Calculating Full–Time Equivalent Faculty (FTEF) Attributable to Part–Time Faculty.
§ 53311. Base Data.
§ 53312. Additional Full–Time Faculty Positions.
§ 53314. Report to Districts.

Article 3. Enforcement 328
§ 53320. Funding Reductions.

Subchapter 4. Minimum Qualifications 328

Article 1. Scope and Definitions 328
§ 53400. Scope.
§ 53401. Applicability to Community Services and Contract Classes.
§ 53402. Definitions.
§ 53403. Applicability of Amendments.
§ 53404. Definition of Experience.
§ 53405. Certificated Employees.
§ 53406. Requirement for Accredited Degrees and Units; Definition of Accredited Institution.

Page

§ 53407. Disciplines Lists.

Article 2. Qualifications and Equivalencies 330
§ 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.
§ 53410.1. Professional License As Alternative Qualification.
§ 53411. Minimum Qualifications for Health Services Professionals.
§ 53412. Minimum Qualifications for Instructors of Noncredit Courses.
§ 53413. Minimum Qualifications for Apprenticeship Instructors.
§ 53414. Minimum Qualifications for Disabled Students Programs and Services Employees.
§ 53415. Minimum Qualifications for Learning Assistance or Learning Skills Coordinators or Instructors, and Tutoring Coordinators.
§ 53416. Minimum Qualifications for Work Experience Instructors or Coordinators.
§ 53417. Licensed or Certificated Occupations.
§ 53420. Minimum Qualifications for Educational Administrators.
§ 53430. Equivalencies.

Subchapter 5. Faculty Internship Programs 333
§ 53500. General Authority.
§ 53501. Purposes.
§ 53502. Minimum Qualifications.
§ 53530. Use of Bond Proceeds.
§ 53540. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

Chapter 5. Students 334

Subchapter 1. Student Residence Classification 334
§ 54000. Uniform Residency Requirements.
§ 54001. Adoption of Rules and Regulations; Publication; Uniformity.
§ 54002. Residence Determination Date.
§ 54010. Residence Classification Procedures.
§ 54012. Residence Questionnaires.
§ 54020. Residence.
§ 54022. Physical Presence.
§ 54024. Intent.
§ 54026. Burden.
§ 54028. One-Year Waiting Period.
§ 54030. Reestablished Residence.
§ 54032. Financial Independence.
§ 54040. Self-Supporting Exception.
§ 54041. Military Dependent.
§ 54042. Member of Military.
§ 54045. Alien Students.
§ 54045.5. Nonresident Tuition Exemption.
§ 54046. Public School Employee Holding Valid Credential.
§ 54047. Student Under Custody of Resident Adult.
§ 54048. Agricultural Employment.
§ 54050. Military Exceptions.
§ 54060. Appeal Procedure.
§ 54070. Refunds.
§ 54072. Waiver.

Subchapter 2. Parking for Students with Disabilities 338
§ 54100. Parking for Students with Disabilities.

Subchapter 2.5. Medical Insurance for Hazardous Activities 338

Subchapter 3. Attendance 338
§ 54200. Certain Students' Residences More than 60 Miles from Nearest Attendance Center.

Subchapter 4. Student Equity 339
§ 54220. Student Equity Plans.

Subchapter 4.5. Electronic Submissions 339
§ 54300. Electronic Applications and Electronic Signatures.

Subchapter 5. Commercial Solicitation on Campus 340
§ 54400. Student Credit Card Solicitations.

Subchapter 6. Student Records 340
§ 54600. Purpose.
§ 54602. Construction.
§ 54604. Policy.
§ 54606. Definitions.
§ 54608. Retention and Destruction of Student Records.
§ 54610. Student Access.
§ 54612. Waiver.
§ 54614. Confidential Maintenance of Records.
§ 54616. Consent.
§ 54618. Mandatory Access.
§ 54620. Court Orders.
§ 54622. Access.
§ 54624. Access to Statistical Data.
§ 54626. Directory Information.
§ 54628. Record of Access.
§ 54630. Challenging Content of Records.
§ 54632. Disciplinary Action.
§ 54640. Transfer of Records.
§ 54642. Procedure for Transfer.
§ 54650. Annual Notice.
§ 54660. Fees.
§ 54662. District Regulations.

Subchapter 7. Health Services 341
§ 54700. Separate Funds and Accounting Procedures.
§ 54702. Proper Use of Funds.
§ 54704. Allowable Charges.
§ 54706. Expenses Not Funded.
§ 54708. Fundable Expenses.
§ 54710. Emergency information.

Subchapter 8. Student Organization 343

Article 1. Student Representation Fee 343
§ 54801. Calling of Election.
§ 54803. Termination of Fee.
§ 54805. Collection of the Fee.
§ 54912. Residence Questionnaires.

Chapter 6. Curriculum and Instruction 344

Subchapter 1. Programs, Courses and Classes 344

Article 1. Program, Course and Class Classification and Standards 344
§ 55000. Definitions.
§ 55000.5. Handbook; Monitoring and Review of Approved Courses and Programs.
§ 55001. Community College Educational Program. [Repealed]
§ 55002. Standards and Criteria for Courses.

Page

§ 55002.5. Credit Hour.
§ 55003. Policies for Prerequisites, Corequisites and Advisories on Recommended Preparation.
§ 55004. Social Science Courses. [Repealed]
§ 55005. Publication of Course Standards.
§ 55006. Records and Reports.
§ 55007. Multiple and Overlapping Enrollments.
§ 55008. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program. [Repealed]

Article 2. Grading and Academic Record Symbols 348
§ 55020. Regulations.
§ 55021. Grading Policies.
§ 55022. Pass–No Pass Options.
§ 55023. Academic Record Symbols and Grade Point Average.
§ 55024. Withdrawal.
§ 55025. Grade Changes.

Article 3. Probation and Dismissal 350
§ 55030. Definitions.
§ 55031. Standards for Probation.
§ 55032. Removal from Probation.
§ 55033. Standards for Dismissal.
§ 55034. Notification of Probation and Dismissal.
§ 55035. Remedial Coursework Limit.

Article 4. Course Repetition and Academic Renewal 352
§ 55040. District Policy for Course Repetition.
§ 55041. Repeatable Courses.
§ 55042. Course Repetition to Alleviate Substandard Academic Work.
§ 55043. Course Repetition Due to Significant Lapse of Time.
§ 55044. Repetition of Variable Unit Courses.
§ 55045. Course Repetition Due to Extenuating Circumstances.
§ 55046. Academic Renewal Without Course Repetition.

Article 5. Alternative Methods for Awarding Credit 354
§ 55050. Credit by Examination.
§ 55051. Articulation of High School Courses.
§ 55052. Advanced Placement Examinations.

Article 6. The Associate Degree 355
§ 55060. District Policy.
§ 55061. Philosophy and Criteria for Associate Degree and General Education.
§ 55062. Types of Courses Appropriate to the Associate Degree.
§ 55063. Minimum Requirements for the Associate Degree.
§ 55064. Acceptance of Noncredit Courses.

Article 7. Credit Certificates 357
§ 55070. Credit Certificates.
§ 55072. Award of Certificates.

Article 8. Educational Master Plans 357
§ 55080. Adoption and Content of Plans.

Subchapter 2. Approval by the Chancellor 357

Page

Article 1. Approval of Credit Educational Programs 357
§ 55100. Course Approval.
§ 55101. Chancellor's Report. [Repealed]
§ 55130. Approval of Credit Programs.

Article 2. Approval of Noncredit Courses and Programs 358
§ 55150. Approval of Noncredit Courses and Programs.
§ 55151. Career Development and College Preparation.
§ 55151.5. Additional Requirements. [Repealed]
§ 55151.7. Duration of Article. [Repealed]
§ 55152. Short–Term Vocational Programs Providing 288 Hours or More of Instruction.
§ 55153. Other Noncredit Programs Providing 288 Hours or More of Instruction.
§ 55154. Adult High School Diploma Programs.
§ 55155. Noncredit Certificates.

Article 3. Approval of Other Courses 362
§ 55160. Approval of Community Service Offerings.
§ 55170. Contract Courses.

Article 4. Approval of Colleges and Educational Centers 362
§ 55180. Definitions.
§ 55181. Responsibilities.
§ 55182. Assessment of Needs and Preferences.
§ 55183. Identification of Objectives.
§ 55184. Analysis of Alternative Delivery Systems.
§ 55185. Additional Criteria for Approval of Educational Centers.

Article 5. Approval of Educational Master Plans 362.2
§ 55190. Review and Approval by Chancellor.

Subchapter 3. Alternative Instructional Methodologies 362.2

Article 1. Distance Education 362.2
§ 55200. Definition and Application.
§ 55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation. [Repealed]
§ 55202. Course Quality Standards.
§ 55204. Instructor Contact.
§ 55205. Definition and Application. [Repealed]
§ 55206. Separate Course Approval.
§ 55207. Course Quality Standards. [Repealed]
§ 55208. Faculty Selection and Workload.
§ 55209. Course Quality Determinations. [Repealed]
§ 55210. Ongoing Responsibility of Districts.
§ 55211. Instructor Contact. [Repealed]
§ 55213. Separate Course Approval. [Repealed]
§ 55215. Faculty Selection. [Repealed]
§ 55217. Number of Students. [Repealed]
§ 55219. Ongoing Responsibility of Districts. [Repealed]

Article 2. Excursions and Field Trips 363
§ 55220. Excursions and Field Trips.

Page

§ 55222. Provision of Medical or Hospital Service for Students.

Article 3. Independent Study 364
§ 55230. Purpose.
§ 55231. Establishment of Courses Outside of District. [Repealed]
§ 55232. Academic Standards.
§ 55233. Contract with Federal Government to Provide Classes and Courses for Servicemen. [Repealed]
§ 55234. Student Progress.
§ 55235. Classes for Convalescents in a Hospital Maintained by a County or City in Another County. [Repealed]
§ 55236. Availability of Instructor.
§ 55238. Eligibility for State Funds.
§ 55240. Instruction.
§ 55241. Use of Federal Facilities. [Repealed]
§ 55242. Maintenance of College Outside District. [Repealed]
§ 55243. Classes Conducted at Airport or County Jail. [Repealed]
§ 55245. Public School or Nonprofit Organization Facilities. [Repealed]

Article 4. Cooperative Work Experience Education 365
§ 55250. Approved Plan Required.
§ 55250.2. Laws or Rules Applicable to Minor Students in Work Experience.
§ 55250.3. "Work Experience Education."
§ 55250.4. Funds for Work Experience Programs for Students with Developmental Disabilities.
§ 55250.5. Work–Experience Education Involving Apprenticeable Occupations.
§ 55250.6. Work Experience Outside of District.
§ 55250.7. Wages and Workers' Compensation.
§ 55251. Requirements of Plan.
§ 55252. Types of Cooperative Work Experience Education.
§ 55253. College Credit and Repetition.
§ 55254. Student Qualifications.
§ 55255. District Services.
§ 55256. Records.
§ 55256.5. Work Experience Credit.
§ 55257. Job Learning Stations.

Subchapter 4. Programs and Classes Outside of District 368
§ 55300. Classes, Property and Buildings Outside of District.
§ 55301. Establishment of Courses Outside of District.
§ 55302. Use of Facilities Outside of District.
§ 55303. Contract with Federal Government to Provide Classes and Courses for Servicemen.
§ 55304. Classes in a Nursing Program; Insurance.
§ 55305. Classes for Convalescents in a Hospital Maintained by a County or City in Another County.
§ 55306. Classes Outside of State for Aircraft Pilot Training Program.
§ 55307. Location of Required Colleges or Instructional Facilities in District.
§ 55308. Use of Federal Facilities.
§ 55309. Maintenance of College Outside District.

Page

§ 55310. Classes Conducted at Airport or County Jail.
§ 55311. Public School or Nonprofit Organization Facilities.
§ 55312. Transfer. [Repealed]
§ 55314. Faculty and Student Participation. [Repealed]
§ 55316. Criteria. [Repealed]
§ 55316.5. Additional Courses. [Repealed]
§ 55317. Ongoing Responsibilities of Districts. [Repealed]
§ 55318. Written Record. [Repealed]
§ 55320. Academic Standards. [Repealed]
§ 55321. Student Progress. [Repealed]
§ 55322. Availability of Instructor. [Repealed]
§ 55323. Learning Assistance. [Repealed]
§ 55340. Eligibility for State Funds. [Repealed]
§ 55342. Average Daily Attendance. [Repealed]
§ 55343. Grades Awarded. [Repealed]
§ 55344. Enrollment. [Repealed]
§ 55346. Records. [Repealed]
§ 55348. Supervision. [Repealed]
§ 55350. Instruction. [Repealed]
§ 55352. Number of Students. [Repealed]
§ 55360. Evaluation Reports. [Repealed]

Subchapter 5. Educational Master Plans [Repealed] 371
§ 55400. Definitions. [Repealed]
§ 55401. Current and Long Range Plans. [Repealed]
§ 55402. Educational Master Plans. [Repealed]
§ 55403. Form. [Repealed]
§ 55404. Contents. [Repealed]
§ 55405. Review and Approval. [Repealed]

Subchapter 5.5. Excursions and Field Trips [Repealed] 372
§ 55450. Excursions or Field Trips. [Repealed]
§ 55451. Provision for Medical or Hospital Service for Students. [Repealed]

Subchapter 6. Matriculation Programs 372

Article 1. Scope and Definitions 372
§ 55500. Scope and Implementation.
§ 55502. Definitions.

Article 2. Planning and Administration 373
§ 55510. Matriculation Plans.
§ 55512. Evaluation and Audits.
§ 55514. Data Collection.
§ 55516. Training and Staff Development.
§ 55518. Funding.

Article 3. Matriculation Services 374
§ 55520. Required Services.
§ 55521. Prohibited Practices.
§ 55522. Special Accommodations.
§ 55523. Counseling and Advisement.
§ 55524. Assessment.
§ 55525. Student Educational Plan.
§ 55526. Student Follow-up.

Article 4. Appeals, Waivers, Student Rights and Responsibilities 376
§ 55530. Student Rights and Responsibilities.
§ 55532. Exemptions.
§ 55534. Violations, Waivers and Appeals.

Subchapter 7. Contract Education 377

Page

Article 1. Contracts with Providers of Career Technical Education 377
§ 55600. Definitions.
§ 55601. Appointment of Vocational Education Advisory Committee.
§ 55602. Authority to Contract.
§ 55602.5. Contracts for Vocational Education for Students with Disabilities.
§ 55603. Instructional Purpose. [Repealed]
§ 55604. Application for Approval. [Repealed]
§ 55605. Contract Approval and Limitations.
§ 55606. Administration. [Repealed]
§ 55607. Reporting. [Repealed]
§ 55608. Accounting Procedure. [Repealed]

Article 2. Contracting Standards 378
§ 55620. Standards.

Article 3. Contract Provisions 379
§ 55630. Terms and Conditions.
§ 55631. Terms and Conditions. [Repealed]

Article 4. Regional Adult and Vocational Education Councils [Repealed] 379
§ 55650. Regulations Reference. [Repealed]

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes 380
§ 55675. Regulations Reference.

Subchapter 8. Academic Calendar 380

Article 1. 175–Day Minimum Academic Calendar 380
§ 55700. Scope.
§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.
§ 55701. College and Academic Year.
§ 55702. Approval of Changes.

Article 2. Flexible Calendar Operations 380
§ 55720. Operating Under Flexible Calendar; Accountability of Employees; Activities.
§ 55722. Schedule Configurations.
§ 55724. Request for Approval.
§ 55726. Activities During Designated Days.
§ 55728. Flexible Calendar Attendance Reporting.
§ 55729. Full–Time Equivalent Student (FTES) Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.
§ 55730. Ongoing Responsibilities of Districts.
§ 55732. Ongoing Responsibilities of the Chancellor.
§ 55750. Regulations. [Repealed]
§ 55751. Grading Practices. [Repealed]
§ 55752. Credit–No Credit Options. [Repealed]
§ 55753. Credit by Examination. [Repealed]
§ 55753.5. Articulation of High School Courses. [Repealed]
§ 55753.7. Advanced Placement Examinations. [Repealed]
§ 55754. Standards for Probation. [Repealed]
§ 55755. Removal from Probation. [Repealed]
§ 55756. Standards for Dismissal. [Repealed]

Page

§ 55756.5. Remedial Coursework Limit. [Repealed]
§ 55757. Units Attempted. [Repealed]
§ 55758. Academic Record Symbols and Grade Point Average. [Repealed]
§ 55758.5. Grade Point Averaging. [Repealed]
§ 55759. Notification of Probation and Dismissal. [Repealed]
§ 55760. Grade Changes. [Repealed]
§ 55761. District Policy for Course Repetition. [Repealed]
§ 55762. Course Repetition: Implementation. [Repealed]
§ 55763. Course Repetition: Special Circumstances. [Repealed]
§ 55764. District Policy for Academic Renewal Without Course Repetition. [Repealed]
§ 55765. Academic Renewal Without Course Repetition: Implementation. [Repealed]

Subchapter 9. Libraries 380.4
§ 55800. Annual Report to Chancellor.
§ 55800.5. Minimum Credit Hours for Graduation from Two–Year Course. [Repealed]
§ 55801. Definitions. [Repealed]
§ 55802. Associate in Arts Degree (Applicable Until July 1, 1983). [Repealed]
§ 55803. Associate in Science Degree (Applicable Until July 1, 1983). [Repealed]
§ 55805. Philosophy and Criteria for Associate Degree and General Education. [Repealed]
§ 55805.5. Types of Courses Appropriate to the Associate Degree. [Repealed]
§ 55806. Minimum Requirements for the Associate Degree. [Repealed]
§ 55807. Conversion to Credit. [Repealed]
§ 55808. Certificate of Achievement. [Repealed]
§ 55809. Duty to Grant Diploma. [Repealed]
§ 55810. Implementation by Governing Boards. [Repealed]

Subchapter 11. New Colleges and Education Centers [Repealed] 380.5
§ 55825. Responsibilities of District Governing Boards. [Repealed]
§ 55827. Definitions. [Repealed]
§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors. [Repealed]
§ 55829. Assessment of Needs and Preferences. [Repealed]
§ 55830. Identification of Objectives. [Repealed]
§ 55831. Analysis of Alternative Delivery Systems. [Repealed]

Subchapter 12. Libraries [Repealed] 380.6
§ 55840. Appointment and Qualification of District Librarian. [Repealed]
§ 55841. Annual Report by Governing Board to Department of Education. [Repealed]

Chapter 7. Special Programs 380.6

Subchapter 1. Disabled Student Programs and Services 380.6

Page

Article 1. General Provisions and Definitions 380.6
§ 56000. Scope of Chapter.
§ 56002. Student with a Disability.
§ 56004. Educational Limitation.
§ 56005. Support Services or Instruction.
§ 56006. Determination of Eligibility.
§ 56008. Student Rights.
§ 56010. Student Responsibilities.
§ 56012. Communication Disability.
§ 56014. Learning Disability.
§ 56016. Acquired Brain Injury.
§ 56018. Developmentally Delayed Learner.

Article 2. DSPS Services 380.7
§ 56020. Availability of Services.
§ 56022. Student Educational Contract.
§ 56024. Measurable Progress.
§ 56026. Support Services.
§ 56027. Academic Accommodations.
§ 56028. Special Classes Instruction.
§ 56029. Special Class Repeatability.

Article 3. Reports, Plans and Program Requirements 380.9
§ 56030. Reporting Requirements.
§ 56032. Physical Disability.
§ 56034. Communication Disability.
§ 56036. Learning Disability.
§ 56038. Acquired Brain Impairment.
§ 56040. Developmentally Delayed Learner.
§ 56042. Psychological Disability.
§ 56044. Other Disabilities.
§ 56046. DSPS Program Plan.
§ 56048. Staffing.
§ 56050. Advisory Committee.
§ 56052. Evaluation.
§ 56054. Special Projects.
§ 56056. Authorized Professional Staff.
§ 56058. Coordinator of Disabled Student Programs and Services.

Article 4. Funding and Accountability 382
§ 56060. Basis of Funding.
§ 56062. Provision of Support Services or Instruction.
§ 56064. Direct Excess Costs.
§ 56066. Comparable Services.
§ 56068. Indirect Administrative Costs.
§ 56070. Revenue from Special Classes.
§ 56072. Allocations; Reports; Audits; Adjustments.
§ 56074. Accounting for Funds.
§ 56076. Other Resources.
§ 56078. Average Daily Attendance Apportionment (ADA) for Classes Offered Through DSP&S.
§ 56080. Determination of Direct Excess Costs.
§ 56082. Adjustments to Allocation.
§ 56084. District Fiscal Responsibility and Contribution.
§ 56086. Expenses Not Funded.
§ 56088. Other Support Funds.

Subchapter 2. Extended Opportunity Programs and Services 383

Subchapter 2.5. Extended Opportunity Programs and Services 384

Article 1. General Provisions and Definitions 384
§ 56200. Implementation.
§ 56201. Waiver.
§ 56202. Full-Time Student.
§ 56203. Participation.
§ 56204. Student Served.
§ 56206. EOPS Information.
§ 56208. Advisory Committee.
§ 56210. Comparable Level of Services.
§ 56211. Evaluation.
§ 56215. Effect of Article.
§ 56216. Chancellor.
§ 56217. Income Ceiling Adjustment.
§ 56218. Curriculum Development.
§ 56219. Depressed Area.

Article 2. Student Eligibility and Responsibility 385
§ 56220. Eligibility for Programs and Services.
§ 56221. Encumbrance.
§ 56222. Student Responsibility.
§ 56223. EOPS Student.
§ 56224. Eligibility for EOPS Financial Aid.
§ 56225. Governing Board.
§ 56226. Limitations on Eligibility.
§ 56227. Multicultural Studies.
§ 56228. Grandfather Provision.
§ 56229. Program.

Article 3. Program Standards 386
§ 56230. Full-Time EOPS Director.
§ 56231. Special Projects.
§ 56232. Outreach, Orientation, and Registration Services.
§ 56233. Student Contact Hours.
§ 56234. Assessments.
§ 56235. Target or High Priority Area.
§ 56236. Counseling and Advisement.
§ 56237. Independent Student Criteria.
§ 56238. Basic Skills Instruction and Tutoring Services.
§ 56239. Priority in Serving Students.
§ 56240. Transfer and Career Employment Services.
§ 56241. Outline.
§ 56243. Deadlines.
§ 56244. Applications.
§ 56245. Scope and Appropriateness.
§ 56246. Maintenance of Effort.
§ 56247. Advisory Committee.
§ 56248. Evaluation.
§ 56250. Effect.
§ 56251. Evaluation by Chancellor.

Article 4. EOPS Financial Aid Standards 388
§ 56252. Purpose.
§ 56253. Approved Plan Required.
§ 56254. EOPS Grants and Workstudy Awards.
§ 56255. Priority in Funding.
§ 56256. Award Procedures.
§ 56257. Funding.
§ 56258. Emergency Loans.
§ 56259. Effective Program Experience.

Article 5. Staffing Standards 388
§ 56260. Staff.
§ 56262. Director Qualifications.
§ 56264. Counselor Qualifications.

Article 6. Plans and Priorities 389
§ 56270. Contract Plan.
§ 56271. Approved Programs and Services.
§ 56272. Outline.
§ 56274. Deadlines.
§ 56276. Review and Approval of District Plans.
§ 56277. Necessity of Subchapter.
§ 56278. Program Evaluation by the Chancellor.
§ 56279. Accrual Basis.
§ 56280. Priorities in Serving Students.

Page

§ 56281. Accounting Procedures.
§ 56282. State Sources.
§ 56283. Other Sources.
§ 56284. Expenditures.
§ 56285. Direct Expenses.
§ 56286. Income Ceiling Adjustment.
§ 56287. Indirect Expenses.
§ 56288. Purpose of Indirect Expense Account.
§ 56289. Capital Outlay Expenditures.

Article 7. Funding and Expenditures 390
§ 56290. Income and Expenditure Accountability.
§ 56291. Discretionary Funding.
§ 56291.1. Direct Aid to Students.
§ 56291.2. Curriculum Development.
§ 56292. Adjustment to Allocations.
§ 56293. District Fiscal Responsibility and Contribution.
§ 56294. EOPS Supplemental Costs.
§ 56295. Expenditures Allowed.
§ 56296. Expenditures Not Allowed.
§ 56297. Special Projects and Incentives.
§ 56298. EOPS Financial Aid Restriction.

Subchapter 3. Educational Programs and Services for Students with Learning Disabilities 392
§ 56350. Purpose.
§ 56352. Definitions.
§ 56354. Programs Operated Pursuant to Education Code Section 78440.
§ 56356. Programs Operated Pursuant to Education Code Section 78012.
§ 56358. Programs Operated Pursuant to Education Code Section 78800 et seq.
§ 56360. Programs Operated Pursuant to Education Code Section 78600 et seq.

Subchapter 4. The Community College Real Estate Education Endowment Fund 392
§ 56600. Purpose.
§ 56602. Chancellor's Community College Real Estate Education Endowment Fund Advisory Committee.
§ 56603. Committee Travel.
§ 56604. Real Estate Education Scholarship Program.
§ 56605. College Applications and Awards.
§ 56606. Student Eligibility.
§ 56607. Competitive Selection.
§ 56608. Scholarship Limitations.
§ 56609. Filing Dates.
§ 56610. Real Estate Grant Program.
§ 56614. Criteria for Funding.
§ 56615. Evaluation Procedures.
§ 56616. Application Form.
§ 56617. Limitations.

Subchapter 5. Fund for the Improvement of Instruction 394

Article 1. General 394
§ 56650. Purpose.
§ 56652. Eligible Programs and Services.
§ 56654. Definitions.
§ 56656. Administration.
§ 56658. Functions of the Advisory and Review Council.

Article 2. Grants 394
§ 56670. Application for Grant: General Requirements.
§ 56672. Application Proposal.
§ 56674. Classification of Grants.
§ 56674.2. Mini-Grants.
§ 56675. Mini Grants.
§ 56676. Funding.
§ 56678. Reporting.

Article 3. Loans 394.1
§ 56680. Purpose.
§ 56682. Criteria for Funding.
§ 56684. Repayment of Loans.

Subchapter 6. Underrepresented Students Special Project Fund 394.2
§ 56700. Underrepresented Students Special Project Fund.

Chapter 8. Construction 394.2

Subchapter 1. Community College Construction Act 394.2
§ 57000. General Provisions.
§ 57001. Definitions.
§ 57001.5. Project.
§ 57001.7. Educational Center.
§ 57002. Federal Fund Proration.
§ 57003. Projecting Graded and Ungraded Enrollments.
§ 57010. Appeals from Administrative Actions.
§ 57011. Expenditures; Final Report.
§ 57013. Coordination of Planning with Recreation and Park Authorities.
§ 57014. Submission.
§ 57015. Chancellor's Review and Evaluation: Elements of Review.
§ 57016. Final Action; Time Limit.
§ 57017. Funding of Project at Educational Center.
§ 57020. Standards.
§ 57021. Classroom Use.
§ 57022. Laboratory Use.
§ 57023. Classroom Occupancy.
§ 57024. Laboratory Occupancy.
§ 57025. Classroom Space Per Station.
§ 57026. Small College, Sliding Scale Allowance.
§ 57027. Capacity of Future Assignable Space.
§ 57028. Capacity of Future Laboratory and Service Areas.
§ 57029. Office Space.
§ 57030. Library Space.
§ 57031. Abbreviations.
§ 57032. Formula for Deriving the Standards.
§ 57033. District Matching Share.
§ 57033.1. Determination of District's Matching Share; Adoption of Criteria; Chancellor's Recommendation; Review by Board in Forwarding Budget Request to Department of Finance.
§ 57034. Waiver of District Matching Share.

Subchapter 1.5. Energy and Resource Conservation 394.6
§ 57050. General Provisions.
§ 57051. Definitions.
§ 57052. Need for Energy Conservation Projects.
§ 57053. Identification of Energy Conservation Projects.
§ 57054. Evaluation of Energy Conservation Projects.

Page

§ 57055. Developmental Progression of Energy Conservation Related Capital Outlay Projects.
§ 57060. Legislative Findings, Declarations and Intent: Energy Conservation.
§ 57061. Community College Districts, Borrowing: Retrofitting Buildings for Energy Conservation; Savings and Loan Investment.
§ 57062. Pre-Audits and Post-Audits for Buildings.
§ 57063. Contracts.

Subchapter 2. Environmental Quality 394.8
§ 57100. General.
§ 57101. Purpose.
§ 57120. Basic Guidelines.
§ 57121. Application.
§ 57140. Procedures.

Subchapter 3. District Funded Construction Projects 394.9
§ 57150. Purpose.
§ 57152. Definitions.
§ 57154. Application.
§ 57156. Review.
§ 57158. Chancellor's Response to Request for Approval of Plans.

Subchapter 4. Deferred Maintenance 394.9
§ 57200. Purpose.
§ 57201. General Requirements.
§ 57202. Application for Funds.
§ 57203. Allocation of Funds.
§ 57204. Selection of Projects.
§ 57205. District Match.

Chapter 9. Fiscal Support 394.10

Subchapter 1. Attendance 394.10

Article 1. General Provisions 394.10
§ 58000. Introduction.
§ 58002. Change in Academic Year Terms.

Article 2. Attendance Reporting Procedures 394.11
§ 58003. Computation of ADA.
§ 58003.1. Full-time Equivalent Student; Computation.
§ 58003.2. Credit Courses; Full Term; Less Than Full Term.
§ 58003.3. Alien Students.
§ 58003.4. Full-Time Equivalent Student; Periodic Reports; Increases and Decreases in Apportionments.
§ 58003.5. Computation of ADA for Fiscal Year 1982-83.
§ 58003.6. Apportionment for Certain Nonresidents Attending High School in California.
§ 58004. Application of Census Procedures.
§ 58005. Census Weeks and Census Days.
§ 58006. Application of Actual Student Contact Hours of Attendance Procedure.
§ 58007. Noncredit Courses.
§ 58008. Application of Actual Clock Hours of Teaching Procedure.
§ 58009. Application of Alternate Attendance Procedure for Independent Study, Work-Experience and Certain Distance Education Courses.
§ 58009.5. Computation for Work-Experience Education Programs.
§ 58010. Reporting Date Procedures.

Page

§ 58012. Decimals: Rounding Off; References to Whole Numbers.

Article 3. Tabulations 394.14
§ 58020. Census Day Procedure Tabulations.
§ 58022. Actual Student Contact Hours of Attendance Procedure Tabulations.
§ 58023. Class Hour Unit.
§ 58024. Actual Apprentice Hours of Teaching Procedure Tabulations.
§ 58025. Nonresidents.

Article 4. Support Documentation 394.15
§ 58030. Support Documentation.
§ 58031. Calculation of Attendance When Records Are Lost or Destroyed.

Article 5. Attendance Accounting Standards 394.16
§ 58050. Conditions for Claiming Attendance.
§ 58051. Method for Computing Full-Time Equivalent Student (FTES).
§ 58051.5. Reports for Apportionment; Prohibited Classes.
§ 58051.6. Full-Time Equivalent Student; Adult Education for Inmates of City, County, or City and County Jail, Road Camp, Farm or Federal Correctional Facility.
§ 58052. Basic Requirement.
§ 58054. Educational Activities Required of Students.
§ 58055. Immediate Supervision.
§ 58056. Immediate Supervision and Control.
§ 58058. Employee of the District.
§ 58060. Valid Employment Qualifications.

Subchapter 2. Limitations on State Aid 394.18

Article 1. Open Courses 394.18
§ 58100. Open Enrollment.
§ 58102. Course Description.
§ 58104. Dissemination of Information.
§ 58106. Limitations on Enrollment.
§ 58107. Facilities and Opportunities for Participation.
§ 58108. Registration and Enrollment Procedures.
§ 58110. Enrollment Limitations.

Article 2. 175-Day Rule 394.20
§ 58120. Conditions for Inclusion as a Day.

Article 3. (Reserved) 394.20

Article 4. (Reserved) 394.20

Article 5. Other Limitations 394.20
§ 58130. Noncredit Classes in Dancing or Recreational Physical Education; State Aid or Apportionment for Attendance.
§ 58130.5. Estimate of School Money to Be Apportioned.
§ 58131. Second Principal Apportionment.
§ 58132. Final Apportionment.
§ 58134. Adjustive Apportionment.
§ 58136. Authority to Make Adjustive Apportionments or Adjustive Deductions Where Required by a Judgment.
§ 58138. Authority to Make Adjustive Apportionments on Inclusion of Additional Full-Time Equivalent Student.
§ 58139. Criteria for Allocation of Funds.
§ 58140. Limitation on District Use of Apportionment.

Page

§ 58142. Required Time for Maintaining Colleges During Preceding Fiscal Year; Withholding of Apportionment upon Failure to Comply.
§ 58144. Newly Formed District.
§ 58146. District Unable to Maintain School for Prescribed Time; Full–Time Equivalent Student Materially Decreased.
§ 58148. Lost or Destroyed Records.
§ 58160. Noncredit Course Funding.
§ 58161. Apportionment for Course Repetition.
§ 58161.5. Apportionment for Re–Enrollment After Withdrawal.
§ 58161.7. Recommendations Regarding Repetition of Noncredit Courses and Related Issues.
§ 58162. Intercollegiate Athletics.
§ 58164. Open Entry/Open Exit Courses.
§ 58166. Field Trips.
§ 58168. Tutoring.
§ 58170. Apportionment for Tutoring.
§ 58172. Learning Assistance.
§ 58180. Offering Classes Under Flexible Calendar; Approval; Accountability of Employees Under Contract for 175 Days; Activities.
§ 58182. Scheduling Configurations.
§ 58184. Review of District Plans; Approval.
§ 58186. Distribution of Appropriations.
§ 58188. Average Daily Attendance Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.
§ 58190. Requirement to Prepare and File Annual Statement.
§ 58191. Proposed Budget; Hearing; Notice; Publication.
§ 58192. "Budget".
§ 58194. Contents of Budget Report.
§ 58195. Form of Budget Report.
§ 58196. Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget.
§ 58198. Effect of Neglect or Refusal to Make a Budget.
§ 58199. District Budget Limitation on Expenditure.
§ 58199.5. Appropriations of Excess Funds and Limitations Thereon.

Subchapter 3. Interstate Attendance 394.25
§ 58200. Program Designation and Participation.
§ 58202. One–for–One Exchange Basis.
§ 58204. College Participation.
§ 58206. Required Certification.
§ 58210. Reports.

Subchapter 4. Budgets and Reports 394.26
§ 58300. Requirements to Prepare and File Annual Statement.
§ 58301. Proposed Budget; Hearing; Notice; Publication.
§ 58302. Budget.
§ 58303. Contents of Budget Report.
§ 58304. Form of Budget Report.
§ 58305. Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget.
§ 58306. Effect of Neglect or Refusal to Make a Budget.
§ 58307. District Budget Limitation on Expenditure.

Page

§ 58308. Appropriation of Excess Funds and Limitations.
§ 58310. Report on District's Financial Condition.
§ 58311. Principles for Sound Fiscal Management.
§ 58312. Inadequate Plans by District or Failure to Implement Plans; Authorized Actions by the Chancellor.
§ 58314. Failure of Procedures to Achieve District Financial Stability; Authorized Actions of Chancellor.
§ 58316. Appropriation for Emergency Apportionment; Repayment Schedule.
§ 58317. Special Trustee Following Notice of Inadequate Plan.
§ 58318. Requirement for Employee Indemnity Bond.

Subchapter 6. Student Fees 394.29
Article 1. Enrollment Fee and Differential Enrollment Fee 394.29
§ 58500. Definition.
§ 58501. Enrollment Fee.
§ 58501.1. Differential Enrollment Fee.
§ 58502. Fee Charged at Enrollment.
§ 58503. Variable Unit Classes.
§ 58504. Short–Term Classes.
§ 58505. Courses Extending Beyond One Term.
§ 58506. Summer Session or Intersession.
§ 58507. Program Changes.
§ 58508. Refunds.
§ 58509. Authority of Chancellor to Waive Provisions to Accommodate Students Impacted by Extraordinary Conditions.
Article 2. Student Center Fee 394.31
§ 58510. Student Center Fee Election.
Article 3. Transportation Services Fees 394.32
§ 58520. Transportation Services Fee Election.

Subchapter 7. Student Financial Aid 394.32
§ 58600. Scope.
§ 58601. Definitions.
§ 58610. Allocations.
§ 58611. Adjustments.
§ 58612. Financial Assistance Awards.
§ 58613. Award Amounts.
§ 58620. Student Eligibility: Board of Governors Grant.
§ 58621. Student Eligibility: Enrollment Fee Credit.
§ 58622. Student Eligibility: Enrollment Fee Waiver.
§ 58630. District Reporting and Accountability.

Subchapter 8. Community College General Apportionment Funding 394.34
Article 1. General Provisions 394.34
§ 58700. Introduction.
§ 58702. Scope of Subchapter.
§ 58702.5. Waiver.
§ 58704. System Funding Principles.
§ 58706. Definitions.
§ 58707. Adjustments Under Former Funding System.
Article 2. Credit Instruction 394.35

Page

§ 58710. Description of Credit Instruction Category.
§ 58712. Credit Instruction Standards.
§ 58714. Credit Instruction Scale Factors.

Article 3. Credit Instructional Services 394.35
§ 58720. Description of Credit Instructional Services Category.
§ 58722. Credit Instructional Services Standards.
§ 58724. Tables of Minimum Standards for Libraries and Media Centers.

Article 4. Credit Student Services 394.36
§ 58730. Description of Credit Student Services Category.
§ 58732. Credit Student Services Standards.
§ 58734. Credit Student Services Scale Factors.

Article 5. Maintenance and Operations .. 394.37
§ 58740. Description of Maintenance and Operations Category.
§ 58742. Maintenance and Operations Standards.

Article 6. Institutional Support 394.38
§ 58750. Description of Institutional Support Category.
§ 58752. Institutional Support Standards.

Article 7. Noncredit Activities 394.38
§ 58760. Description of Noncredit Activities.
§ 58762. Noncredit Activities.

Article 8. Allocation Process 394.38
§ 58770. State Apportionment Procedure.
§ 58771. Base Fiscal Year Revenues.
§ 58772. Base Revenue and Workload Reduction.
§ 58773. Inflation Adjustments.
§ 58774. Growth and Decline.
§ 58774.5. Funding Rate Increases for Annexations.
§ 58775. Program Improvement.
§ 58776. Budget Stability.
§ 58777. Decline Restoration.
§ 58779. Deficit Mechanism.

Article 9. Reporting Procedures ..... 394.40(b)
§ 58780. Documentation Requirements. [Repealed]
§ 58782. Computation and Limitations on State Aid. [Repealed]
§ 58785. Duration of Subchapter. [Repealed]

Chapter 10. Community College Administration ..... 394.40(b)

Subchapter 1. Warrants ..... 394.40(b)

Subchapter 2. Community College Budget and Accounting Manual ..... 394.40(c)
§ 59010. Method of Accounting.
§ 59011. Method of Accounting.
§ 59013. Price of Food.
§ 59015. Audit of Scholarship Funds; Administrative Expenses.
§ 59016. Special Fund or Account in County Treasury: Gift or Bequest for Special Purpose; Rules and Regulations by Governing Board.

Subchapter 2.5. Retention and Destruction of Records 394.41

Article 1. General Provisions 394.41
§ 59020. Definition of Records.
§ 59021. Scope of Chapter.
§ 59022. Classification of Records.

Article 2. Period of Retention 394.41
§ 59023. Class 1–Permanent Records.
§ 59024. Class 2–Optional Records.
§ 59025. Class 3–Disposable Records.
§ 59026. Retention Period.

Article 3. Procedures for Destruction 394.42
§ 59027. Chief Administrative Officer Actions.
§ 59028. Board Action.
§ 59029. Manner of Destruction.
§ 59030. Certification as to Content of Records Destroyed by Calamity.
§ 59031. Full-time Equivalent Student Records Where Area Hit by Calamity.
§ 59033. Attendance Accounting For Lost or Destroyed Records.
§ 59040. College Year.
§ 59041. Academic Year.

Subchapter 3. Audits and Reviews 394.43
§ 59100. General Authority of the Chancellor.
§ 59102. Contracting For Annual Audits.
§ 59104. Review of Annual Audits.
§ 59106. Annual Audit Reports Due Date.
§ 59108. Chancellor's Review of Audit Citings.
§ 59110. District's Right to Respond.
§ 59112. Audit Resolution Actions.
§ 59114. Apportionment Adjustments.
§ 59116. Student Attendance; Accountability for Accounting and Reporting; Minor or Inadvertent Errors; Apportionment; Discrepancy.
§ 59118. Limitations on Adjustments.

Subchapter 4. Administration of Education Code 84362 ..... 394.45
§ 59200. Scope.
§ 59202. Delegation of Authority.
§ 59204. Definitions.
§ 59206. District Application for Exemption.
§ 59207. Notice to Academic Employees.
§ 59208. Consideration by District Governing Board.
§ 59209. Response by Academic Employees.
§ 59210. Chancellor's Recommendation.
§ 59211. Board of Governors Action.
§ 59212. Amendments to District Applications.
§ 59213. Chancellor's Action.
§ 59214. Failure to Comply.

Subchapter 4.5. Auxiliary Organizations 394.47

Article 1. Scope and Definitions 394.47
§ 59250. Scope.
§ 59251. Definitions.

Article 2. District Responsibilities 394.48
§ 59255. Conditions for Establishment.
§ 59257. Implementing Regulations.
§ 59259. Recognized Functions.
§ 59263. Auxiliary Organizations in Good Standing.
§ 59265. Ongoing Responsibilities.

Article 3. Board of Governors and Chancellor's Office Responsibilities 394.50
§ 59270. Procedures for Annual Audits and Financial Reporting.
§ 59272. Review of District Implementing Regulations.

Page

§ 59274. Retention of Documentation.
§ 59276. Annual Report to Legislature.

Subchapter 5. Nondiscrimination in Programs Receiving State Financial Assistance Through the Chancellor or Board of Governors of the California Community Colleges 394.50

Article 1. General 394.50
§ 59300. Purpose.
§ 59301. Prohibited Discrimination.
§ 59302. Academic Requirements.
§ 59303. Delegation of Authority.
§ 59304. Intent.
§ 59305. Operative Date.
§ 59306. Visitor Parking for Persons with Disabilities.
§ 59307. Sexual Harassment and Sex Discrimination.

Article 2. Definitions 394.51
§ 59310. Incorporation by Reference.
§ 59311. Definitions.

Article 3. District Compliance and Enforcement 394.52
§ 59320. District Responsibility.
§ 59322. District Regulations.
§ 59324. Responsible District Officer.
§ 59326. Notice to Students and Employees.
§ 59327. Informal Resolution.
§ 59328. Formal Investigation Upon Filing of Written Complaint.
§ 59329. Complaints Filed with Chancellor.
§ 59330. Notice to Chancellor.
§ 59332. Defective Complaint.
§ 59333. Office for Civil Rights.
§ 59334. District Investigation.
§ 59336. Administrative Determination.
§ 59338. Final District Decision; Appeals to Local Governing Board.
§ 59339. Appeal to Chancellor.
§ 59340. Forward to Chancellor.
§ 59342. Extensions; Failure to Comply.

Article 4. Chancellor's Procedure to Effect Compliance 394.55

Page

§ 59350. Review for Reasonable Cause.
§ 59351. New Issues Raised on Appeal.
§ 59352. Investigation.
§ 59354. Informal Resolution.
§ 59356. Formal Resolution.
§ 59358. Hearing.
§ 59360. Enforcement.
§ 59362. Judicial Review.

Subchapter 6. Waiver of Part–Time Instructor Limit 394.56

Subchapter 7. Instructional and Other Materials 394.56
§ 59400. Required Instructional and Other Materials.
§ 59402. Definitions.
§ 59404. District Policies and Regulations for Instructional and Other Materials.
§ 59406. Report to Chancellor.
§ 59406.5. Reports Re Instructional Materials Used.
§ 59408. Violations of Subchapter.

Subchapter 7.5. Student Financial Obligations 394.57
§ 59410. Withholding Grades, Transcripts, etc., for Nonrepayment of Financial Obligations.

Subchapter 8. District Reorganization 394.57
§ 59420. Newly Formed District.
§ 59422. Use of Bond Proceeds.
§ 59424. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

Subchapter 9. Nondiscrimination in Public Works Contracting in the California Community Colleges 394.57
§ 59500. Scope of Subchapter.
§ 59502. Definitions.
§ 59504. Efforts by Districts.
§ 59505. Monitoring Participation.
§ 59506. Certification.
§ 59508. Enforcement of Contracts and Severability Provision.
§ 59509. Monitoring of Participation Goals.

Division 6. California Community Colleges

Chapter 1. Board of Governors

Subchapter 1. Board of Governors' Procedures

NOTE: Authority cited: Section 71020, Education Code. Reference: Sections 71000 and 71020, Education Code.

HISTORY

1. Repealer of Part VI (Subchapters 1, 2, 4, 4.1, 4.5, 5, 5.5) and new Part VI, Divisions 1 through 8 (§ § 50000–57121, not consecutive) filed 4–13–70; effective thirtieth day thereafter (Register 70, No 16). For prior history, see Register 69, Nos. 6, 19, 43 and 52.
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 1 (Sections 50000–50014) and new Chapter 1 (Sections 50000–50156, not consecutive) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20).
4. Repealer of Chapter 1 (Sections 50000–50156, not consecutive) and new Chapter 1 (Sections 50000–50073, not consecutive) filed 8–9–82; effective thirtieth day thereafter (Register 82, No. 33). For prior history, see Registers 81, No. 12; 81, No. 3; 79, No. 46; 79, No. 32; 78, No. 20; and 77, No. 9.
5. Repealer of Chapter 1 (Articles 1–8, Sections 50000–50073, not consecutive) filed 6–8–83; effective thirtieth day thereafter (Register 83, No. 24).

§ 50001. Selection of President and Vice President.

The Board annually shall select two of its members as president and vice president, respectively.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 50002. Student Senate for California Community Colleges.

(a) A Student Senate for the California Community Colleges has been established in conjunction with local associated student organizations so that the community college students of California may have a formal and effective means for participating in the formation of state policies that have or may have a significant impact on students.

(b) The Board of Governors recognizes the Student Senate for the California Community Colleges as the representative of community college–associated student organizations before the Board of Governors and the Chancellor's Office.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 8–9–96; operative 9–8–96. Submitted to OAL for printing only (Register 96, No. 33).

Subchapter 2. Board of Governors of the California Community Colleges—Conflict of Interest Code

§ 50500. General Provisions.

The Political Reform Act, Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, title 2, section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of California Code of Regulations, title 2, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Board of Governors of the California Community Colleges.

Designated employees shall file their statements with the California Community Colleges, which will make the statements available for public inspection and reproduction. (Gov. Code, § 81008). Upon receipt of the statements for the Board of Governors and the Chancellor, the agency shall make and retain a copy and forward the original to the Fair Political Practices Commission. Statements for all other designated employees will be retained by the agency.

Appendix

Designated Employees	*Disclosure Categories*
Board of Governors	
Members	1, 4
Executive Office	
Chancellor	1, 4
Executive Vice Chancellor	1, 4
Director	1, 4
Strategic Planning and Policy Coordination Division	
Vice Chancellor	1, 4
Legal Affairs Division	
Vice Chancellor and General Counsel	1, 4
Staff Counsel, all levels	1, 4
Consultants*	2
Governmental Relations and External Affairs Division	
Vice Chancellor	1, 4
Director	1, 4
Administrator/Academic Planning and Development	1
Specialist/Academic Planning and Development	2
Specialist/Employment and Certification	2, 4
Consultants*	2
Technology, Research, and Information Services Division	
Vice Chancellor	1, 4
Administrator/Academic Planning and Development	1
Data Processing Manager II	1
Specialist/Academic Planning and Development	2
Specialist/Information Systems and Analysis	2
Senior Information Systems Analyst (Specialist)	3
Staff Information Systems Analyst (Supervisor)	3
Staff Information Systems Analyst (Specialist)	3
Senior Programmer Analyst (Specialist)	3
Staff Programmer Analyst (Specialist)	3
Consultants*	2
College Finance and Facilities Planning Division	
Vice Chancellor	1, 4
Director	1, 4
Administrator/Fiscal Planning and Administration	1
Administrator/Facilities Planning and Utilization	1
Specialist/Fiscal Planning and Administration	2
Specialist/Facilities Planning and Utilization	2
Consultants*	1
Student Services and Special Programs Division	
Vice Chancellor	1, 4
Administrator/Student Services Planning and Development	1
Specialist/Student Services Planning and Development	2
Consultants*	2
Economic and Workforce Development Division	
Vice Chancellor	1, 4
Administrator/Vocational Education	1, 4
Specialist/General Vocational Education	2
Consultants*	2
Academic Affairs Division	
Vice Chancellor	1, 4
Administrative/Academic Planning and Development	1, 4
Specialist/Academic Planning and Developement	2
Specialist/General Vocational Education	2
Consultants*	2
Internal Operations Division	
Director	1, 4
Accounting Administrator I (Supervisor)	3
Associate Business Management Analyst	3
Business Services Officer I (Specialist)	3
Business Services Assistant (Specialist)	3
Staff Services Manager II (Supervisor)	3

Designated Employees	*Disclosure Categories*
Staff Services Manager I	3
Consultants*	2

*Note: With respect to consultants, the Chancellor, however, may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of the Conflict of Interest Code.

Disclosure Categories

1. Designated employees in Category 1 must report the following:

(a) All interests in real property in the State of California.

(b) Any investment or business position in a business entity, or any source of income (including gifts, loans, and travel payments), if the business entity or source of income is engaged in publishing, manufacturing, selling, or leasing:

(1) Instructional materials;

(2) Equipment; or

(3) Services, including training or consulting services; when such materials, equipment or services are of the type utilized by community college districts or the Board of Governors or Chancellor's Office.

(c) Any investment or business position in a business entity, or any source of income (including gifts, loans and travel payments), if the business entity or source of income is engaged in selling or leasing real estate which is utilized by community college districts or the Board of Governors or Chancellor's Office.

2. Designated employees in Category 2 must report the following:

(a) Any investment or business position in a business entity, or any source of income (including gifts, loans, and travel payments), if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(1) Instructional materials;

(2) Equipment; or

(3) Services, including training or consulting services; when such materials, equipment or services are of the type utilized by community college districts or the Board of Governors or Chancellor's Office.

3. Designated employees in Category 3 must report the following:

(a) Any investment or business position in a business entity, or any source of income (including gifts, loans, and travel payments), if the business entity or source of income is engaged in publishing, manufacturing, selling or leasing:

(1) Instructional materials;

(2) Equipment; or,

(3) Services, including training or consulting services; when such materials, equipment or services are of the type utilized by the Board of Governors or Chancellor's Office.

4. Designated employees in Category 4 must report the following:

(a) Any investment or business position in a business entity, or any source of income (including gifts, loans, and travel payments), if the business entity or source of income provides education, training, or experience to persons toward meeting minimum qualifications for employment in a community college district.

NOTE: Authority cited: Sections 87300 and 87307, Government Code. Reference: Sections 89503, 89505 and 87300 et seq., Government Code.

HISTORY

1. Repealer and new section filed 10–28–91; operative 11–27–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 92, No. 7).
2. Amendment of Appendix filed 5–27–93; operative 6–25–93. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 93, No. 22).
3. Amendment of Appendix filed 3–10–94; operative 4–11–94. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 1–25–94 (Register 94, No. 10).
4. Amendment of section and Appendix filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Amendment of section and Appendix filed 2–9–98; operative 3–11–98. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 9–10–97 (Register 98, No. 7).
6. Amendment of Appendix filed 4–17–2000; operative 5–17–2000. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 9–23–99 (Register 2000, No. 16).
7. Amendment of Appendix filed 3–20–2002; operative 4–19–2002. Approved by Fair Political Practices Commission 3–8–2002 (Register 2002, No. 13).
8. Amendment of Appendix filed 11–21–2003; operative 12–21–2003. Approved by Fair Political Practices Commission 9–5–2003 (Register 2003, No. 48).
9. Amendment of general provisions and appendix filed 9–28–2005; operative 10–28–2005. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 8–29–2005 (Register 2005, No. 40).
10. Amendment of appendix filed 6–27–2007; operative 7–27–2007. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 6–4–2007 (Register 2007, No. 32).

Subchapter 3. Committees

HISTORY

1. Repealer of Chapter 3 (Sections 50200–50208) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 16.

Subchapter 4. Coordinating Council of Higher Education

HISTORY

1. Repealer of Chapter 4 (Sections 50300 and 50301) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 70, No. 44.

Subchapter 5. Chancellor

HISTORY

1. Repealer of Chapter 5 (Sections 50400–50407) filed 5–17–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Registers 77, No. 45 and 70, No. 44.

Subchapter 6. Board of Governors and Chancellor's Office—Conflict of Interest Code

HISTORY

1. Redesignation of Chapter 6 (Sections 50500–50510, Exhibits A and B) to Chapter 1, Article 10 (Sections 50500–50510, Exhibits A and B) filed 5–16–78 as procedural and organizational; effective upon filing (Register 78, No. 20). For prior history, see Register 77, No. 9.

Chapter 2. Community College Standards

Subchapter 1. Minimum Conditions

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid, including state general apportionment, for the support of its community colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code.

HISTORY

1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000–51021, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Sub-

mitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 15).
5. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 51002. Standards of Scholarship.

The governing board of a community college district shall:

(a) adopt regulations consistent with the standards of scholarship contained in articles 2 through 5 (commencing with section 55020) of subchapter 1 of chapter 6;

(b) file a copy of its regulations, and any amendments thereto, with the Chancellor; and

(c) substantially comply with its regulations and the regulations of the Board of Governors pertaining to standards of scholarship.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).
4. Amendment of subsection (a) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 51004. Degrees and Certificates.

The governing board of a community college district shall:

(a) adopt regulations consistent with regulations contained in articles 6 and 7 (commencing with section 55060) of subchapter 1 of chapter 6;

(b) file a copy of its regulations and any amendments thereto with the Chancellor; and

(c) substantially comply with its regulations and the regulations of the Board of Governors pertaining to degrees and certificates.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).
4. Amendment of subsection (a) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "The policy of this district is that, unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to section 55003 of of division 6 of title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to subdivision (a) shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which full-time equivalent student (FTES) is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78020 et seq., Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 15).
5. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 51008. Comprehensive Plan.

(a) The governing board of a community college district shall establish policies for, and approve, comprehensive or master plans which include academic master plans and long range master plans for facilities. The content of such plans shall be locally determined, except that the plans shall also address planning requirements specified by the Board of Governors.

(b) Such plans, as well as any annual updates or changes to such plans, shall be submitted to the Chancellor's Office for review and approval in accordance with Section 70901(b)(9) of the Education Code and with regulations of the Board of Governors pertaining to such plans.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 70901, 70902, 71020.5, 81820, 81821 and 81822, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 51010. Equal Employment Opportunity.

The governing board of a community college district shall:

(a) adopt a district policy which describes its equal employment opportunity program and meets the requirements of section 53002;

(b) develop and adopt a district equal employment opportunity plan which meets the requirements of section 53003;

(c) ensure that its employment patterns are annually surveyed in the manner required by section 53004;

(d) ensure that a program of recruitment is carried out as required by section 53021;

(e) ensure that screening and selection procedures are developed and used in accordance with section 53024;

(f) ensure that, where necessary, additional steps are taken consistent with the requirements of section 53006;

(g) ensure that the pattern of hiring and retention, when viewed over time, is consistent with the objectives established in the district's equal employment opportunity plan; and

(h) substantially comply with the other provisions of subchapter 1 (commencing with section 53000) of chapter 4.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 15).
5. New subsection (f), subsection relettering and amendment of newly designated subsection (g) and NOTE filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
6. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 51012. Student Fees.

The governing board of a community college district may only establish such mandatory student fees as it is expressly authorized to establish by law.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 51014. Approval of New Colleges and Educational Centers.

(a) The governing board of a community college district planning the formation of a new college or educational center shall obtain approval for such college or educational center from the Board of Governors. Approval shall be obtained before classes begin at the new college or educational center.

(b) The provisions of article 4 (commencing with section 55180) of subchapter 2 of chapter 6 shall govern the approval of new colleges and educational centers.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700 and 70901, and articles 1, 2, and 3 (commencing with section 81800) of chapter 4, part 49, title 3, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).
4. Amendment of subsection (b) and amendment of NOTE filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 51016. Accreditation.

Each community college within a district shall be an accredited institution. The Accrediting Commission for Community and Junior Colleges shall determine accreditation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 51016.5. Emergency Exception to Accreditation Requirement.

Notwithstanding section 51016, the Chancellor may continue to allocate state funds to any community college district which operates a college that has had its accreditation terminated by the Accrediting Commission for Junior Colleges on or before September 30, 2006.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–14–2006 by Board of Governors of California Community Colleges with the Secretary of State; operative 7–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2006, No. 30).

§ 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long–range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first–time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 72620, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 51020. Objectives.

Each community college shall have stated objectives for its instructional program and for the functions which it undertakes to perform.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 51021. Curriculum.

Each community college shall establish such programs of education and courses as will permit the realization of the objectives and functions of the community college. All courses shall be approved by the Chancellor in the manner provided in Subchapter 1 (commencing with Section 55000) of Chapter 6.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 71020.5, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).

§ 51022. Instructional Programs.

(a) Within six months of the formation of a community college district, the governing board shall adopt and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) Within six months of the formation of a community college district, the governing board shall adopt and carry out its policies and procedures to provide that its courses and programs are articulated with proximate baccalaureate colleges and high schools.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 70902 and 78016, Education Code.

HISTORY

1. New section filed 6–27–84; effective thirtieth day thereafter (Register 84, No. 26).

2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 15).
4. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty;

(b) adopt procedures which are consistent with the provisions of sections 53200–53206, regarding the role of academic senates and faculty councils;

(c) substantially comply with district adopted policy and procedures adopted pursuant to subdivisions (a) and (b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6–27–84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 15).
5. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 51023.5. Staff.

(a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:

(1) Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this section, management and nonmangement positions or groups of positions shall be separately defined or categorized.

(2) Participation structures and procedures for the staff positions defined or categorized.

(3) In performing the requirements of subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.

(4) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.

(5) Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.

(6) The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.

(7) When a college or district task force, committee, or other governance group, is used to consult with staff regarding implementation of this section or to deal with other issues which have been determined to significantly affect staff pursuant to subdivision (a)(4), the appointment of staff representatives shall be made as follows:

(A) The exclusive representative shall appoint representatives for the respective bargaining unit employees, unless the exclusive representative and the governing board mutually agree in a memorandum of understanding to an alternative appointment process.

(B) Where a group of employees is not represented by an exclusive agent, the appointment of a representative of such employees on any task force, committee or governance group shall be made by, or in consultation with, any other councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation.

(C) When the task force, committee or governance group will deal with issues outside the scope of collective bargaining, any other council, committee or staff group, other than an exclusive agent, that the governing board has officially recognized in its policies and procedures for staff participation may be allowed to designate an additional representative. These organizations shall not receive release time, rights, or representation on such task forces, committees, or other governance groups exceeding that offered to the exclusive representative of classified employees.

(D) In all cases, representatives shall be selected from the category they represent.

(b) In developing and carrying out policies and procedures pursuant to subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under section 3543.2 of the Government Code. Governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer–employee relations. Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.

(c) Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200–53204, and section 51023.7, respectively.

(d) The governing board of a community college district shall comply substantially with the provisions of this section.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70901.2 and 70902, Education Code; and Sections 3540 et seq., Government Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b), (Register 91, No. 23).
2. Editorial correction of printing error in subsection (b) and HISTORY 1. (Register 91, No. 43).
3. Amendment of subsections (a)(1), (a)(3), (a)(5), (a)(7), (b), (c) and (d) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment of section and NOTE filed 5–16–2003; operative 6–15–2003. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2003, No. 27).

§ 51023.7. Students.

(a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to partici-

pate effe vely in district and college governance. Among other matters, said po s and procedures shall include the following:

(1) ents shall be provided an opportunity to participate in formulation a velopment of district and college policies and procedures that have ll have a significant effect on students. This right includes the oppor y to participate in processes for jointly developing recommendation the governing board regarding such policies and procedures.

(2) cept in unforeseeable, emergency situations, the governing board ll not take action on a matter having a significant effect on students il it has provided students with an opportunity to participate in the f ulation of the policy or procedure or the joint development of recor ndations regarding the action.

(3 overning board procedures shall ensure that at the district and colle evels, recommendations and positions developed by students are give ery reasonable consideration.

(or the purpose of this Section, the governing board shall recogni h associated student organization or its equivalent within the dis- rovided by Education Code Section 76060, as the representative l the students to offer opinions and to make recommendations to t inistration of a college and to the governing board of a district gard to district and college policies and procedures that have or ve a significant effect on students. The selection of student repres ves to serve on college or district committees, task forces, or other ance groups shall be made after consultation with designated par- the appropriate officially recognized associated student organiza- within the district.

) For the purposes of this Section, district and college policies and ced ures that have or will have a "significant effect on students" include the following:

( ) grading policies;

(2) codes of student conduct;

(3) academic disciplinary policies;

(4) curriculum development;

(5) courses or programs which should be initiated or discontinued;

(6) processes for institutional planning and budget development;

(7) standards and policies regarding student preparation and success;

(8) student services planning and development;

(9) student fees within the authority of the district to adopt; and

(10) any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration,and staff.

(d) Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200–53206.

(e) The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

NOTE: Authority cited: Sections 66700 and 70901(b)(1)(E), Education Code. Reference: Sections 70901 (b)(1)(E), 70902(b)(7) and 76060, Education Code.

HISTORY

1. New section filed 3–12–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 23).
2. Editorial correction of printing errors in subsections (a) and (b) and HISTORY 1 (Register 91, No. 43).
3. Amendment of subsections (a)(2), (a)(4), (b), (b)(10), (d) and (e) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51024. Matriculation Services.

The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under Section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under Section 55512(c);

(c) provide matriculation services to its students in accordance with Sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with Section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsection (e) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 51025. Full–Time/Part–Time Faculty.

This section relates to and should be read in conjunction with subchapter 3 (commencing with section 53300) of chapter 4 of this division.

(a) By November 20 of each fiscal year the Board of Governors shall determine whether funds provided for cost–of–living adjustment, less any net reductions to the programs and allocations specified in subsection (b), are adequate to allow full or partial implementation of the provisions of paragraph (1) of subsection (c) and whether additional funds have been provided to allow implementation of the provisions of paragraph (6) of subsection (c). The Board of Governors may revise these determinations, and may revise the district's full–time faculty hiring obligations, based on the above criteria, at any time subsequent to the state enacting mid–year reductions to one or more of the programs or allocations specified in subsection (b).

(b) For the purposes of this section the following programs and allocations are deemed to be essential and core to the mission and budgets of the California Community Colleges: general apportionment, growth for apportionment, cost–of–living adjustments, basic skills, Partnership for Excellence, financial aid administration, Extended Opportunity Programs and Services, Disabled Student Programs and Services, matriculation, part–time faculty compensation, part–time faculty health insurance, part–time faculty office hours, program improvement and allocations directed specifically to help reach the 75 percent full–time faculty standard.

(c) If a district's full–time faculty percentage, as calculated pursuant to section 53308, is less than 75 percent, the following shall apply:

(1) If the Board of Governors has determined pursuant to subsection (a) that adequate funds have been provided for implementation of this paragraph, the district's base full–time faculty obligation (as defined in section 53311) shall be increased for the fall term of the succeeding fiscal year, by the product of the base full–time faculty obligation multiplied by the percentage change in funded credit FTES, rounded down to the nearest whole number.

In computing the district's full–time faculty obligation for the succeeding fiscal year, the base obligation will be increased by the lower of the projected fundable growth at the time of the budget enactment or the actual percentage change in funded credit FTES. For the second succeeding fall term the obligation will be adjusted to the actual percentage change in funded credit FTES.

(2) Districts which, as determined from their base data, had a full–time faculty percentage of 67 percent or greater, but less than 75 percent shall apply up to 33 percent of their program improvement allocation pursuant to subsection (b) of section 58775, as necessary to reach the 75 percent standard pursuant to paragraph (4) below.

(3) Districts which, as determined from their base data, had a full-time faculty percentage of less than 67 percent shall apply up to 40 percent of their program improvement allocation pursuant to subsection (b) of section 58775, as necessary to reach the 75 percent standard pursuant to paragraph (4) below.

(4) For program improvement funds identified in paragraph (2) or (3), as appropriate, the district's base full-time faculty obligation shall be further increased for the fall term of the succeeding fiscal year, by the quotient of the applicable program improvement funds divided by the statewide average replacement cost for the current fiscal year, rounded down to the nearest whole number.

(5) If the number of full-time faculty derived in paragraphs (1) and (4), or in paragraph (6), result in the district exceeding the 75 percent standard, the Chancellor shall reduce the number of the full-time obligation to a point that leaves the district as close as possible to, but in excess of, the 75 percent standard.

(6) If the Board of Governors determines pursuant to subsection (a) that additional funds have been provided for the purpose of increasing the full-time faculty percentage, the district's base full-time faculty obligation shall be further increased for the fall term of the succeeding fiscal year by the quotient of the applicable funds divided by the statewide average replacement costs for the current fiscal year, rounded down to the nearest whole number.

(7) If the Board of Governors determines pursuant to subsection (a) that adequate funds have not been provided to implement paragraph (1), the district's base full-time faculty obligation shall be unchanged. However, for the fall term of the succeeding fiscal year the district may choose, in lieu of maintaining its base obligation, to maintain, at a minimum, the full-time faculty percentage attained in the prior fall term.

(d) Statewide average replacement cost is the statewide average faculty salary plus benefits, minus the product of the statewide average hourly rate of compensation for part-time faculty times the statewide average full-time teaching load.

(e) On or before January 31 of each year, the Chancellor shall determine, based on information submitted by districts, the extent to which each district, by the fall term of that fiscal year, has maintained or hired the number of full-time faculty, or maintained the full-time faculty percentage if applicable, determined pursuant to subsection (c) for the prior fiscal year. To the extent that the number of full-time faculty or percentage of full-time faculty has not been maintained or additional full-time faculty have not been retained, the Chancellor shall reduce the district's revenue for the current fiscal year by an amount equal to the average replacement cost for the prior fiscal year times the deficiency in the number or percentage equivalent of full-time faculty. If the Board has determined, pursuant to subsection (a), that there are not adequate funds in the current fiscal year to allow full implementation of paragraph (1) of subsection (c), then the Chancellor may defer this reduction of revenue until the subsequent fiscal year in which the Board determines that adequate funds have been provided to allow full implementation of that paragraph. To the extent a district hires the additional full-time faculty in subsequent fiscal years, the reductions will no longer be levied. Notwithstanding this provision, the Chancellor may not waive reductions that are deferred under the authority of this subsection. The Chancellor may authorize a funding reduction that is deferred under the authority of this subsection to be made over a period not to exceed three fiscal years, provided that the district is meeting its full-time faculty obligation and it is the Chancellor's judgment that the district's financial integrity otherwise would be jeopardized.

(f) All revenues available due to reductions made pursuant to subsection (e), shall be made available for statewide distribution on a one-time basis for that fiscal year, for purposes of promoting equal employment opportunities for faculty and staff pursuant to Education Code section 87107.

(g) For districts that experience a reduction in base credit FTES, the Chancellor shall make a proportionate reduction to their base number of full-time faculty.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 7-3-91 and submitted to OAL on 7-12-91 for printing only pursuant to Education Code section 70901.5; operative 8-3-91 (Register 91, No. 46).
2. New first paragraph, amendment of subsections (a)-(a)(4) and (c) and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment of subsections (a)-(a)(4), (b) and (c) filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment filed 6-23-2000; operative 7-23-2000. Submitted to OAL for printing only (Register 2000, No. 26).
6. Amendment filed 11-6-2003; operative 12-6-2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 51025.5. Elimination of Reduction Requirements for Fiscal Years 2002-03 and 2003-04. [Repealed]

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 5-16-2006; operative 6-15-2006. Submitted to OAL for printing only (Register 2006, No. 26).
2. Repealer filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 51026. Student Equity.

In accordance with the provisions of section 54220, the governing board of a community college district shall adopt a student equity plan.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.2, 66010.7, 66030 and 70901, Education Code.

HISTORY

1. New section filed 1-12-98; operative 2-11-98. Submitted to OAL for printing only (Register 98, No. 3).
2. Change without regulatory effect amending section and adding NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 51027. Transfer Centers: Minimum Program Standards.

(a) The governing board of each community college district shall recognize transfer as one of its primary missions, and shall place priority emphasis on the preparation and transfer of underrepresented students, including African-American, Chicano/Latino, American Indian, disabled, low-income and other students historically and currently underrepresented in the transfer process.

(b) Each community college district governing board shall direct the development and adoption of a transfer center plan describing the activities of the transfer center and the services to be provided to students, incorporating the provisions established in the standards outlined below. Plans shall identify target student populations and shall establish target increases in the number of applicants baccalaureate institutions from these populations, including specific targets for increasing the transfer applications of underrepresented students among transfer students. Plans shall be developed in consultation with baccalaureate college and university personnel as available.

Plan components shall include, but not be limited to: services to be provided to students; facilities; staffing; advisory committee; and evaluation and reporting.

(1) Required Services. Districts shall:

(A) Identify, contact, and provide transfer support services to targeted student populations as identified in the transfer center plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income, and other underrepresented students. These activities shall be developed and implemented in cooperation with student services departments and with faculty.

(B) Ensure the provision of academic planning for transfer, the development and use of transfer admission agreements with baccalaureate institutions where available and as appropriate, and the development and use of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with baccalaureate institution personnel as available.

(C) Ensure that students receive accurate and up–to–date academic and transfer information through coordinated transfer counseling services.

(D) Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.

(E) Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, counseling, and to other instructional and student services on campus as appropriate.

(F) Assist students in the transition process, including timely completion and submittal of necessary forms and applications.

(G) In cooperation with baccalaureate institution personnel as available, develop and implement a schedule of services for transfer students to be provided by baccalaureate institution staff.

(H) Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to baccalaureate institutions, and related transfer information.

(2) Facilities. Each district governing board shall provide space and facilities adequate to support the transfer center and its activities. Each district shall designate a particular location on campus as the focal point of transfer functions. This location should be readily identifiable and accessible to students, faculty, and staff.

(3) Staffing. Each district governing board shall provide clerical support for the transfer center and assign college staff to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with baccalaureate institution personnel.

(4) Advisory Committee. Each district shall designate an advisory committee to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Baccalaureate institution personnel shall be included as available.

(5) Evaluation and Reporting. Each district governing board shall include in its transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its transfer center plan.

Each community college district shall submit an annual report to the Chancellor describing the status of the district's efforts to implement its transfer center(s), achievement of transfer center plan targets and goals, and expenditures supporting transfer center operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66010.4 and 70901, Education Code.

HISTORY

1. New section filed 7–22–91; operative 8–21–91 (Register 92, No. 4).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Subchapter 2. Investigation and Enforcement of Minimum Conditions

§ 51100. Review of Colleges.

(a) The Chancellor shall annually review a minimum of three community college districts to determine whether they have met the minimum conditions contained in subchapter 1 (commencing with section 51000) of chapter 2. The reviews shall be at random from among districts that have not recently been reviewed or based on complaints, audit findings, or other information concerning compliance. The Chancellor may conduct such additional compliance reviews as he or she deems appropriate.

(b) The Chancellor shall investigate complaints alleging that a district is failing to comply substantially with the minimum conditions contained in subchapter 1 and shall establish guidelines for accepting and handling such complaints.

(c) In the event that the Chancellor determines that a visit to the district is necessary to investigate compliance, he or she shall make all reasonable efforts to inform the chief executive officer of the district at least one month in advance of such visit, and shall specify the particular minimum conditions that will be investigated.

(d) The enforcement procedures and remedies set forth in this subchapter are in addition to any and all other enforcement mechanisms and remedies provided by law for violation of the provisions of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 2 (sections 51100 and 51101) and new chapter 2 (sections 51100 and 51102) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 2, see Registers 81, No. 52; 77, No. 45; and 71, No. 27.
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of subsection (a) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 15).
5. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 51102. Enforcement.

(a) If any review pursuant to section 51100 discloses that a district may not be in compliance with the provisions of subchapter 1 (commencing with section 51100) of chapter 2, the Chancellor shall notify the chief executive officer of the district in writing, and shall request an official written response from the district by a date which the Chancellor shall specify.

(b) After receiving the district's written response, or after the time for response has lapsed, the Chancellor shall pursue one or more of the following courses of action:

(1) accept in whole or part the district's response regarding the alleged noncompliance;

(2) require the district to submit and adhere to a plan and timetable for achieving compliance as a condition for continued receipt of state aid;

(3) bar the district from eligibility for grants and/or contracts administered by the Chancellor's Office;

(4) withhold all or part of the allocation of funds which the district would otherwise receive from any categorical program administered by the Chancellor's Office; and/or

(5) withhold or reduce all or part of the district's state aid, including state general apportionment, and/or growth funding.

(c) The remedy required by the Chancellor shall be related to the extent and gravity of noncompliance. As a general rule, categorical funds shall only be withheld or reduced where the noncompliance was directly related to the operation of that program or where other funds are not sufficient to cover the extent of the withholding or reduction. Any withholding or reduction of funding shall require approval of the Board of Governors.

(d) The Chancellor shall report to the Board of Governors on any actions taken pursuant to subdivision (b) of this section, provided that, in the event he or she determines to reduce or withhold all or a portion of a district's state aid, the Chancellor shall inform and obtain the approval of the Board prior to the reduction or withholding.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 15).
4. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 3. Faculty

NOTE: Authority cited: Sections 71020, 71024 and 71025, Education Code.

HISTORY

1. Repealer of Chapter 3[216z (Sections 51200 and 51201) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 4. Standards of Scholarship

NOTE: Authority cited: Section 71020, 71025 and 71066, Education Code. Reference: Sections 71066, 72285 and 76000, Education Code.

HISTORY

1. Repealer of Chapter 4 (Sections 51300–51319, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For history of former Chapter 4, see Registers 82, No. 20; 80, No. 19; 80, No. 11; 77, No. 45; and 71, No. 27.

Subchapter 5. Facilities

HISTORY

1. Repealer of Chapter 5 (Sections 51400 and 51401) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 6. Counseling Services

HISTORY

1. Repealer of Chapter 6 (Sections 51500–51503) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29). For prior history, see Register 77, No. 45.

Subchapter 7. Degrees and Certificates

HISTORY

1. Repealer of Chapter 7 (Sections 51600–51606) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45). For prior history, see Register 71, No. 40.

Subchapter 8. Degrees and Certificates

NOTE: Authority cited: Sections 66700, 71020 and 71066, Education Code. Reference: Sections 66701, 71066 and 72285, Education Code.

HISTORY

1. New Chapter 8 (§§ 51620 through 51626) filed 10–1–71; effective thirtieth day thereafter (Register 71, No. 40).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 6–9–82; designated effective 7–1–83 (Register 82, No. 24).
4. Repealer of Chapter 8 (Sections 51620–51629) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 9. Minimum Class Size

NOTE: Authority cited for Chapter 9: Section 71027, Education Code.

HISTORY

1. New Chapter (§§ 51700 through 51703) filed 11–12–71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 9 (Sections 51700–51703) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 10. New Colleges and Educational Centers

HISTORY

1. New Chapter 10 (Sections 51800–51808, not consecutive) filed 6–27–75; effective thirtieth day thereafter (Register 75, No. 26).
2. Amendment filed 3–18–77; effective thirtieth day thereafter (Register 77, N. 12).
3. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
4. Amendment of subsection (a) filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
5. Repealer of Chapter 10 (Sections 51800–51808, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).

Subchapter 11. Open Courses

NOTE: Authority cited: Sections 71020, 78452 and 84500, Education Code. Reference Sections 78452 and 84500, Education Code.

HISTORY

1. New Chapter 11 (Sections 51820–51826) filed 12–17–76; effective thirtieth day thereafter (Register 76, No. 51).
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 11 (Sections 51820–51826) filed 7–29–82; effective thirtieth day thereafter (Register 82, No. 31).

Subchapter 15. Minimum Standards for Colleges Operating Pursuant to Education Code 78007 and Not Receiving or Utilizing State or Local Funds

Article 1. General Provisions

§ 51950. Intent.

NOTE: Authority cited: Sections 66700, 71020, 71062, 71066, 71068, and 87105, Education Code. Reference: Sections 66700, 71062, 71066, 71068, 78200, 78401, and 87100–87106, Education Code.

HISTORY

1. New chapter 15 (articles 1–10, sections 51950–51996) filed 1–23–81; effective thirtieth day thereafter (Register 81, No. 4).
2. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).
3. Repealer of subchapter 15 (sections 51950–51996) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51951. Receipt or Use of State and Local Funds.

NOTE: Authority cited: Sections 66700 and 71025, Education Code. Reference: Sections 66700, 71020, 71025 and 71062, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 51952. Discrimination.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700, 71062 and 72013, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 51953. Approval.

NOTE: Authority cited: Sections 66700, 71020, 71062, Education Code. Reference: Sections 66700 and 71062, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Article 2. Instructional Programs

§ 51955. Objectives.

NOTE: Authority cited: Sections 66700, 71020, 71028 and 71062, Education Code. Reference: Sections 66700, 72231.5, and 72283, Education Code.

HISTORY

1. Repealer of article 2 (sections 51955–51958) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51956. Curriculum.

NOTE: Authority cited: Sections 66700, 71020, 71028 and 71062, Education Code. Reference: Sections 66700, 71028, 72231.5, 72283, 78200, 78401, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51957. Identification of Courses.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700, 71020 and 72283, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51958. College Credit Course.

NOTE: Authority cited: Sections 66700, 71020, 71027 and 71062, Education Code. Reference: Sections 66700 and 71027, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 3. Faculty

§ 51963. Faculty Personnel.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71068, Education Code. Reference: Sections 66700, 71068 and 72208, Education Code.

HISTORY

1. Repealer of article 3 (sections 51963–51965) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51964. Conditions of Instruction.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71068, Education Code. Reference: Sections 66700, 71020 and 71062, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51965. Employment Affirmative Action.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 87105, Education Code. Reference: Sections 66700 and 87101–87106, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 4. Standards of Scholarship

§ 51967. Grading Practices.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71066, Education Code. Reference: Sections 66700, 71066 and 72285, Education Code.

HISTORY

1. Repealer of article 4 (section 51967) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 5. Facilities

§ 51970. Library.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. Repealer of article 5 (sections 51970–51971) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51971. Facilities for Certain Courses.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 6. Student Services

§ 51975. Counseling Services.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700 and 72620, Education Code.

HISTORY

1. Repealer of article 6 (sections 51975–51978) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51976. Health Services.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700 and 76400, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51977. Student Conduct and Expression.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 66700 and 72292, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51978. Student Records.

NOTE: Authority cited: Sections 66700, 71020, 71062, 76220, 76225 and 76246, Education Code. Reference: Sections 66700 and 76200–76246, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 7. Finances

§ 51980. Fees.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700 and 78462.5, Education Code.

HISTORY

1. Repealer of article 7 (sections 51980–51981) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51981. Budget and Accounting Procedures.

NOTE: Authority cited: Sections 66700, 71020, 71062, 71073 and 84004, Education Code. Reference: Sections 66700, 71073 and 84004, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 8. Degrees and Certificates

§ 51985. Degrees and Certificates.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700, 71073 and 84004, Education Code.

HISTORY

1. Amendment filed 3–3–86; effective thirtieth day thereafter (Register 86, No. 10).
2. Repealer of article 8 (section 51985) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 9. District Responsibilities

§ 51987. Master Plans.

NOTE: Authority cited: Sections 66700, 71020, 71028 and 71062, Education Code. Reference: Sections 66700, 71028 and 72231.5.

HISTORY

1. Repealer of article 9 (sections 51987–51990) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51988. Audits.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700 and 84040, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51989. Budget.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Sections 66700, 85021 and 85023, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 51990. Reports.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 10. Compliance

§ 51996. Compliance Reviews and Sanctions.

NOTE: Authority cited: Sections 66700, 71020 and 71062, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. Repealer of article 10 (section 51996) and section filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Chapter 3. General Provisions

§ 52000. Effect of Specified Board of Governors Regulations.

Regulations that incorporate the text of former Education Code sections described in section 708 of Statutes 1990, chapter 1372 (S.B. 1854) still retain equal dignity to their predecessor statutes as described in Barnhart v. Cabrillo Community College (1999) 76 Cal.App.4th 818, to the extent that amendments to such regulations are grammatical or involve only technical changes, renumbering or reordering sections, removal of outdated terms or references to inapplicable or repealed statutory authorities, and the correction of gender references.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code; Statutes 1990, chapter 1372.

HISTORY

1. New chapter 3 (sections 52000–52010) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35). For prior history of chapter 3, sections 52000–52403, see Register 91, No. 43.

§ 52010. Effect of Regulations, Revision of District Policies and Publications.

Each community college district must comply with all regulatory requirements set forth in this division once such requirements take effect. Notwithstanding the foregoing, unless otherwise expressly provided in a particular regulation, a district will not be considered to be out of compliance with a regulatory requirement solely because its written district policies or procedures have not been revised, provided that it conforms such policies or procedures to the regulatory requirement within one hundred and eighty (180) days after the effective date of such regulations and, at the first available opportunity, incorporates necessary changes into its catalog and class schedules.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Chapter 4. Employees

Subchapter 1. Equal Employment Opportunity Programs

Article 1. General

§ 53000. Scope and Intent.

(a) This subchapter implements and should be read in conjunction with Government Code sections 11135–11139.5, Education Code sections 66010.2, 66030, and Chapter 4.5 of Part 40 of Title 3, commencing with section 66250; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101). Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 1, section 31 of the California Constitution or to authorize conduct that is in conflict with or is inconsistent with such provisions.

(b) The regulations in this subchapter require steps to promote faculty and staff equal employment opportunity which are in addition to and consistent with the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's equal employment opportunity plan pursuant to section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district equal employment opportunity or nondiscrimination policies.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135–11139.5, Government Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000d, 6101 and 12100, et seq.

HISTORY

1. New chapter 1 (sections 53000–53004) filed 7–19–77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000–53004) and new chapter 1 (subchapters 1–4, sections 53000–53052, not consecutive) filed 2–1–82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
4. Amendment of subsection (a) and NOTE filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
5. Amendment of subchapter heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53001. Definitions.

As used in this subchapter:

(a) Adverse Impact. "Adverse impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.

(b) Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of section 53021(b)(1) because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(c) Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity

[The next page is 319.]

to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by this subchapter.

(d) Equal Employment Opportunity Plan. An "equal employment opportunity plan" is a written document in which a district's work force is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

(e) Equal Employment Opportunity Programs. "Equal employment opportunity programs" means all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.

(f)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African–Americans, and Hispanics/Latinos.

(2) Ethnic Group Identification. "Ethnic group identification" means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(g) Goals for Persons with Disabilities. "Goals for persons with disabilities" means a statement that the district will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the work force and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

(h) In–house or Promotional Only Hiring. "In–house or promotional only" hiring means that only existing district employees are allowed to apply for a position.

(i) Monitored Group. "Monitored group" means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).

(j) Person with a Disability. "Person with a disability" means any person who (1) has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.

(k) Projected Representation. "Projected representation" means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.

(*l*) Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the district to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.

(m) Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

(n) Significantly Underrepresented Group. "Significantly underrepresented group" means any monitored group for which the percentage of persons from that group employed by the district in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

(o) Target Date. "Target date" means a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.

(p) Timetable. "Timetable" means a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135–11139.5, 11092 and 12926, Government Code; 29 C.F.R. 1602.48 (1981); 29 C.F.R. 1607; 29 U.S.C. 793; 41 C.F.R. 60–741.2 (1980).

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)–(b)–(3), (c), (k) and (m) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)–(q)(3), and amendment of NOTE filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment of subsection (b) and amendment of NOTE filed 11–5–2003; operative 12–5–2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an equal employment opportunity program. This statement may also incorporate the nondiscrimination policy statement required pursuant to section 59300 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.1, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district–wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this subchapter pursuant to section 53020;

(2) the procedure for filing complaints pursuant to section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this subchapter and of state and federal nondiscrimination laws;

(5) a process for providing annual written notice to appropriate community–based and professional organizations concerning the district's

plan and the need for assistance from the community and such organizations in identifying qualified applicants;

(6) an analysis of the number of persons from monitored groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in section 53004(a);

(7) an analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) methods for addressing any underrepresentation identified pursuant to subparagraph (7)

(9) additional steps consistent with section 53006 to remedy any significant underrepresentation identified in the plan; and

(10) any other measures necessary to further equal employment opportunity throughout the district.

(d) The plan shall include any goals for hiring persons with disabilities that are required by section 53025.

(e) The plans submitted to the Chancellor shall be public records.

(f) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this section.

(g) In developing the availability data called for in subsection (c)(7), the Chancellor shall work through the established Consultation Process.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)–(9) and subsection renumbering, amendment of newly designated subsection (c)(10) and new subsection (f) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate the implementation of its equal employment opportunity plan and to provide data needed for the analyses required by sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

(1) executive/administrative/managerial;

(2) faculty and other instructional staff;

(3) professional nonfaculty;

(4) secretarial/clerical;

(5) technical and paraprofessional;

(6) skilled crafts; and

(7) service and maintenance.

(b) For purposes of the survey and report required pursuant to subsection (a) of this section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate multiple ethnic groups with which he or she identifies, but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in determining whether additional steps are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 8310.5 and 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a) and (b) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of subsections (a) and (b) and amendment of NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53005. Advisory Committee.

Each community college district shall establish an Equal Employment Opportunity Advisory Committee to assist the district in developing and implementing the plan required under section 53003. This advisory committee shall include a diverse membership whenever possible.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53006. Additional Steps to Ensure Equal Employment Opportunity.

(a) If a district determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the district shall take additional steps consistent with this section. At a minimum, the district shall:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective;

(3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and

(4) if significant underrepresentation persists, the staffing rate for the significantly underrepresented group in the specified job category or categories shall be monitored on an ongoing basis until the projected representation has been achieved for that group in the category or categories in question.

(b) If a reasonable period of time passes and significant underrepresentation persists for a particular group in the job category in question, the district shall:

(1) review each locally established "required," "desired" or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job–related and consistent with business necessity through a process meeting the requirements of federal law or is among those qualifications which the Board of Governors has found to be job–related and consistent with business necessity throughout the community college system;

(2) discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth in paragraph (1) of this subdivision; and

(3) continue using qualification standards meeting the requirements of paragraph (1) only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (1) and be expected to have a less exclusionary effect.

(c) For purposes of this section, "a reasonable period of time" means three years, or such longer period as the Chancellor may approve, upon

the request of the equal employment opportunity advisory committee and the chief executive officer, where the district has not filled enough positions to appreciably affect its work force in the job category in question.

(d) Nothing in this subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. New section filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
2. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53010. Assistance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53011. Report.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this subchapter at all levels of district and college operation and for making measurable progress toward equal employment opportunity by the methods described in the district's equal employment opportunity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an equal employment opportunity officer is designated to oversee the day–to–day implementation of the requirements set forth in this subchapter.

(b) The administrative structure created by any delegation of authority to the equal employment opportunity officer or others shall be described in the district's equal employment opportunity plan submitted pursuant to section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this subchapter. The plan shall also designate a single officer, who may be the equal employment opportunity officer, who shall be given authority and responsibility for receiving complaints filed pursuant to section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by sections 53023 and 53024.

(c) Any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel is an agent of the district and is subject to all of the requirements of this subchapter.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full–time and part–time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full–time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part–time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(b)(1) "In–house or promotional only" recruitment shall not be used to fill any new opening for any position described in subdivision (a) except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in section 53001(b).

(2) If a district believes justification exists for use of the exception listed in subsection (b)(1), it shall so notify the Equal Employment Opportunity Advisory Committee established pursuant to section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(3) Where in–house or promotional only recruitment is permitted, the district shall comply with its established hiring procedures and all district employees shall be afforded the opportunity to apply and demonstrate that they are qualified.

(4) The job announcement for the interim position shall comply with section 53022 and the selection process shall be consistent with the requirements of this subchapter.

(c) For purposes of this section, a new opening is not created when:

(1) there is a reorganization that does not result in a net increase in the number of employees;

(2) one or more lateral transfers are made and there is no net increase in the number of employees;

(3) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;

(5) the position is filled by a temporary, short–term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109;

(6) a part–time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or

(7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and

who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of one year.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)–(e)(2) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a) and (b)(1)–(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)–(e)(4) and new subsection (e)(5) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment filed 11–5–2003; operative 12–5–2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 53021.5. Waiver of Limitation on Term of Administrative Contracts.

The Chancellor may waive the one year limit on the length of an appointment or series of appointments to an administrative position accomplished by means of a professional services contract pursuant to subdivision (c)(7) of section 53021 with respect to appointments made by the Lassen Community College District of the Chancellor determines that all of the following requirements are satisfied:

(a) the district is on probationary status with the Accrediting Commission for Community and Junior Colleges (ACCJC);

(b) the Chancellor has appointed a special trustee to manage the district pursuant to section 58312;

(c) the district requests a waiver of the limitation on the length of an appointment or series of appointments to an administrative position imposed by subdivision (c)(7) of section 53021 and demonstrates that the delay and disruption associated with full and open recruitment for the administrative position may jeopardize the fiscal stability of the district or its ability to satisfy conditions for removal from probation which have been established by ACCJC;

(d) the special trustee assigned to the district recommends granting the waiver;

(e) the total length of the appointment or series of appointments to the administrative position will not exceed three years; and

(f) all other requirements of this subchapter are satisfied with respect to the appointment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 1–23–2008; operative 1–23–2008. Submitted to OAL for printing only (Register 2008, No. 7).

§ 53022. Job Announcements and Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any "required," "desired" or "preferred" qualifications beyond the state minimum qualifications (set forth in subchapter 4, commencing with section 53400 of this chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this subchapter and state and federal nondiscrimination laws.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 973, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53023. Applicant Pool.

(a) The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group identification and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's equal employment opportunity program, or any other purpose specifically authorized in this subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the initial applicant pool shall be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application deadline shall be extended and additional recruitment shall be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants. When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

(c) Before the selection process continues, the composition of the qualified applicant pool shall be analyzed to ensure that no monitored group is adversely impacted pursuant to section 53001(a). If adverse impact is found to exist, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

(1) extending the deadline and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the district;

(2) including all applicants who were screened out on the basis of any locally established qualifications beyond state minimum qualifications which have not been specifically demonstrated to be job–related and consistent with business necessity through a process meeting the requirements of federal law or which are not among those which the Board of Governors has found to be job–related and consistent with business necessity throughout the community college system.

(d) If adverse impact persists after taking steps required under subdivision (c), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications; or

(2) locally established qualifications beyond state minimum qualifications, if any, are demonstrated to be job–related and consistent with business necessity through a process meeting the requirements of federal law and suitable alternative selection procedures to reduce the adverse impact were unavailable; or

(3) the particular qualification beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job–related and consistent with business necessity throughout the community college system.

(e) The district may not advertise or utilize in future hiring processes for the same position or a substantially similar position any locally established qualifications beyond state minimum qualifications that the district was unable to verify under subsection (b)(2) unless such qualifications are so verified in advance of commencing any such future hiring process.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code

HISTORY

1. New section filed 2–26–82; designated effective 2–28–82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).

2. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
3. Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job–related criteria; and

(4) designed to avoid an adverse impact, as defined in section 53001(a), and monitored by means consistent with this section to detect and address any adverse impact which does occur for any monitored group.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The equal employment opportunity officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. If adverse impact results from locally established qualifications beyond state minimum qualifications that have not been verified as described in section 53023(c)(2) or replaced with suitable alternatives having a lesser adverse impact, the use of such qualifications shall be immediately discontinued and any applicant eliminated on the basis of that qualification shall be continued in the hiring process. Where necessary, the position may be re–opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. Nor may a district apply the district's equal employment opportunity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of section 53022.

[The next page is 323.]

(e) Selection testing for employees shall follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.

(g) Notwithstanding any other provision of this division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and to order further review by the screening committee or to reopen the position where necessary to further achievement of the objectives of the equal employment opportunity plan or to ensure equal employment opportunity. However, a consistent pattern of not hiring qualified candidates from a monitored group who are recommended by screening committees may give rise to an inference that the selections are not consistent with the objectives of equal employment opportunity that are required by this subchapter.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a)(2)–(c), (e) and (g) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53025. Persons with Disabilities.

(a) Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code sections 11135 et seq. and 12940(m), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part–time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and notetakers. Such accommodations may be paid for with funds provided pursuant to article 3 (commencing with section 53030) of this subchapter.

(b) If a district established a goal for persons with disabilities prior to the effective date of this subsection and if significant underrepresentation still exists, it shall update that goal, set a new target date for achieving projected representation in the category or categories in question, and concurrently comply with subsections (a)(1), (a)(2) and (b) of section 53006 with respect to persons with disabilities.

(c) Where persons with disabilities are found to be significantly underrepresented, measures required under subsections (a)(1) and (a)(2) of section 53006 shall be implemented concurrently with setting a goal with a target date for achieving projected representation for persons with a disability in each job category where the underrepresentation was found to exist. Goals shall remain in effect only until projected representation has been achieved for that group in the category or categories in question. Until the Chancellor's Office provides data regarding the availability of persons with disabilities by job category, an aggregate labor force availability rate shall be utilized for setting goals for hiring persons with disabilities with respect to the total district work force. The district may also concurrently take other additional steps which take disability into account, so long as such measures are discontinued when projected representation is achieved for persons with disabilities in the category or categories in question.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code; 29 U.S.C. 794, and 42 U.S.C. Sections 12101, et seq.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Repealer of subsections (a) and (b) and deletion of subsection designator filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53026. Complaints.

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor who may require that the district provide a written investigative report within ninety (90) days. Complaints which also allege discrimination prohibited by Government Code sections 11135 et seq. shall be processed according to the procedures set forth in subchapter 5 (commencing with section 59300) of chapter 10 of this division.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53027. Applicability to Districts Operating on the Merit System.

Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 3 (commencing with section 88060) of chapter 4 of part 51 of the Education Code which apply to districts operating a merit system for classified employees.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270, 87360 and 88060 et seq., Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53028. Affirmative Action Commitment.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53029. Handicapped.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code; Section 11135, Government Code; 29 U.S.C. 705 and 706.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

Article 3. Faculty and Staff Diversity Fund

§ 53030. Equal Employment Opportunity Fund Allocation.

Resources provided to the Board of Governors for the purpose of promoting equal employment opportunity in hiring and promotion within the system shall be placed in an Equal Employment Opportunity Fund and shall be allocated consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside to provide technical assistance, service, monitoring, and compliance functions.

(b) That portion of the funds not allocated pursuant to subsection (a) may be allocated to the districts in the following categories:

(1) an amount proportional to the full-time equivalent students of each district to the total full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) an amount related to success in promoting equal employment opportunity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.

(c) funds provided pursuant to this section may be used for:

(1) outreach and recruitment;

(2) in-service training on equal employment opportunity;

(3) accommodations for applicants and employees with disabilities pursuant to section 53025; and

(4) other activities to promote equal employment opportunity.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (b) and (b)(3) and repealer of subsections (b)(4) and (b)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53031. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsection (a) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Repealer of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53032. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Repealer of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

§ 53033. Failure to Report.

Any district failing to provide the data required under Section 53004 is not in compliance with this subchapter. Equal Employment Opportunity funds for any given fiscal year, other than those under section 53030(a), shall not be granted unless the district provides the data no later than March 31st of the preceding fiscal year or receives an extension of the deadline from the Chancellor.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53034. Required Report.

Districts shall submit a report on the use of Equal Employment Opportunity funds to the Chancellor's Office no later than September 30th of the fiscal year following the use of the funds. Until such time as a data element to calculate the staffing rate of persons with disabilities has been integrated into the report required under section 53004, districts will report that rate by a separate survey conducted, as directed by the Chancellor's Office.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; and Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53040. Governing Board's Affirmative Action Employment Policy Statement.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Section 87101, Education Code; Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980); 20 U.S.C. 793; 41 C.F.R. 60-741.1-.9, et seq. (1980); 38 U.S.C. 2012; 41 C.F.R. 60-250.1-.9, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53041. Affirmative Action Responsibilities and Duties.

NOTE: Authority cited: Sections 71020, 71025, 71068, and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53042. Affirmative Action Officer.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53043. Internal Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53044. External Dissemination.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53045. Complaint Procedure.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Sections 87100 and 87101, Education Code.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53046. Work Force Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: 29 C.F.R. 1602.48 (1981).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Editorial correction of section heading (Register 94, No. 38).

§ 53049. Utilization Analysis.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53050. Corrective Action.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp. 320; 41 C.F.R. 60-2.1-3.2, et seq. (1980).

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53051. Goals and Timetables.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Executive Order 11246, 3 C.F.R. 1964-1965 comp. 339, as amended by Executive Order 11375, 3 C.F.R. 1967 comp.

HISTORY

1. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

§ 53052. Affirmative Action Advisory Committee.

NOTE: Authority cited: Sections 71020, 71025, 71068 and 87105, Education Code. Reference: Section 87100, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53060. Fund Allocation.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53061. Success.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 31).
3. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53062. Point Factors.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53063. Failure to Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53064. Required Report.

NOTE: Authority cited: Sections 70901 and 87107, Education Code. Reference: Section 87107, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 90, No. 45). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

Subchapter 2. Certificated Positions

Article 1. Special Non–Credentialed Employees

§ 53100. Prerequisites for Employment Under Education Code Section 87401.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Renumbering of chapter 1 (sections 53100–53205) to chapter 2 (sections 53100–53205) filed 7–19–77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

Article 1.5. Sick Leave Transfer

§ 53125. Transfer of Accumulated Sick Leave.

This Section prescribes the manner in which the amount of accumulated sick leave is certified for transfer under Sections 87782, 87783, and 87785 of the Education Code.

(a) As used in this Section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer shall be certified as follows:

(1) The person who accumulated the sick leave or the new employing agency requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave.

(2) Upon receipt of the request, the former employing agency transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records.

(3) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

HISTORY

1. New subchapter 1.5 (section 53125) filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Editorial correction of HISTORY 4 (Register 95, No. 19).

Article 1.6. Evaluation of Academic Employees

§ 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by the Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. New article 1.6 heading filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

Article 2. Academic Senates

§ 53200. Definitions.

For the purpose of this Subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

(1) curriculum, including establishing prerequisites and placing courses within disciplines;

(2) degree and certificate requirements;

(3) grading policies;

(4) educational program development;

(5) standards or policies regarding student preparation and success;

(6) district and college governance structures, as related to faculty roles;

[The next page is 325.]

(7) faculty roles and involvement in accreditation processes, including self-study and annual reports;

(8) policies for faculty professional development activities;

(9) processes for program review;

(10) processes for institutional planning and budget development; and

(11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.

(d) "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) relying primarily upon the advice and judgment of the academic senate; or

(2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
5. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53202. Formation; Procedures; Membership.

The following procedure shall be used to establish an academic senate:

(a) The full-time faculty of a community college shall vote by secret ballot to form an academic senate.

(b) In multi-college districts, the full-time faculty of the district colleges may vote on whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of a district shall recognize the academic senate and authorize the faculty to:

(1) Fix and amend by vote of the full-time faculty the composition, structure, and procedures of the academic senate.

(2) Provide for the selection, in accordance with accepted democratic election procedures, the members of the academic senate.

(d) The full-time faculty may provide for the membership and participation of part-time faculty members in the academic senate.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53203. Powers.

(a) The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations.

(b) In adopting the policies and procedures described in Subsection (a), the governing board or its designees shall consult collegially with representatives of the academic senate.

(c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or to appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

(2) in instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

(e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to Subsection (a).

(f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 81, No. 3.
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53204. Scope of Regulations.

Nothing in this Subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing

boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

NOTE: Authority cited: Sections 66700 and 70901 Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer and new section filed 10–30–90 with Secretary of State by Board of Governors, California Community Colleges; operative 11–30–90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 83, No.18.
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53205. Duties Assigned by Administration and Governing Board.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 71079, Education Code. Reference: Sections 71079 and 72292, Education Code.

HISTORY

1. Amendment filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No.18).
3. Repealer filed 10–30–90 with Secretary of State by Board of Governors, California Community Colleges; operative 11–30–90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

§ 53206. Academic Senate for California Community Colleges.

(a) An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

(b) The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5–9–78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Amendment of subsection (a) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Editorial correction of HISTORY 3 (Register 95, No. 19).
6. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 53207. Reimbursement for Release or Reassigned Time.

(a) Except as provided in subdivisions (d) and (e), the faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges (ASCCC) shall be granted release or reassigned time from their local responsibilities by the districts by which they are employed during their terms of office.

(b) The amount of release or reassigned time required will be determined by the ASCCC and reported to the district employing the person elected ASCCC president by May 1st and to the district employing the person elected ASCC vice president by June 1st of the year in which these individuals will assume office, unless the election has not been conducted by those dates, in which case the information will be reported immediately upon completion of the election.

(c) The districts employing the president and the vice president of the ASCCC will be reimbursed by February 1 from the state appropriation for the ASCCC for the release or reassigned time at the part–time replacement cost identified by the district prior to September of each year. If the release or reassigned time need identified is 100 percent and the position to be filled is in a hard to replace discipline area, the district shall so certify to the Chancellor of the California Community Colleges by August 1. If the Chancellor confirms the district certification, the district shall be reimbursed at the full–time temporary replacement cost. In addition, districts shall be reimbursed by the ASCCC for reasonable and documented administrative costs associated with hiring faculty to replace the faculty serving as president and vice president of the ASCCC.

(d) A local district will not be required to grant release or reassigned time for the president or vice president of the ASCCC if it certifies by August 1 to the Chancellor, and he or she confirms, that the faculty member is in a position for which a qualified part–time or full–time temporary replacement cannot be found to meet the needs of the students.

(e) No district shall be required to grant release or reassigned time for an individual serving as president or vice president of the ASCCC for a period exceeding four years.

(f) This section shall only be operative during any fiscal year in which sufficient funds are provided therefore to the ASCCC in the annual Budget Act for that fiscal year or other legislation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 3–12–2003; operative 4–11–2003. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2003, No. 18).

Subchapter 3. Full–Time and Part–Time Faculty

Article 1. Scope and Definitions

§ 53300. Scope.

This Subchapter relates to and should be read in conjunction with the requirements of Section 51025 concerning the proportion of full–time and part–time faculty to be employed by community colleges.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in subchapter 3 heading (Register 91, No. 31).
3. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
4. Repealer and new section and amendment of NOTE filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
5. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Amendment filed 3–25–98; operative 4–24–98. Submitted to OAL for printing only (Register 98, No. 14).

§ 53301. Part–Time Faculty.

The term "part–time faculty" includes any faculty member, as defined in Section 53402(c), who is not a regular employee or contract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5, or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.7, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53302. Full–Time Faculty.

For purposes of this Chapter the term "full–time faculty" means any faculty member, as defined in Section 53402(c), who is a regular or con-

tract employee of the district pursuant to Sections 87601, 87605, 87608, 87608.5 or 87609 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, 84750 and 87482.7, Education Code. Reference: Sections 84750, 87482.6, 87601, 87605, 87608, 87608.5 and 87609, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of NOTE filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment of section heading and section filed 3–25–98; operative 4–24–98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment of section and NOTE filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53308. Full–Time Faculty Percentage.

For purposes of this Subchapter and Section 51025, a district's full–time faculty percentage is determined as follows:

(a) Using the rules set forth in Section 53309, calculate the district's full–time equivalent faculty (FTEF) attributable to full–time faculty, as defined in Section 53302.

(b) Determine the district's total FTEF by adding together:

(1) FTEF attributable to full–time faculty, using the rules set forth in Section 53309; and

(2) FTEF attributable to part–time faculty, calculated using the rules set forth in Section 53310.

(c) To obtain the full–time faculty percentage, divide the figure from subdivision (a) (FTEF attributable to full–time faculty) by the figure from subdivision (b) (total FTEF).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53309. Rules for Calculating Full–Time Equivalent Faculty (FTEF) Attributable to Full–Time Faculty.

In calculating full–time equivalent faculty (FTEF) attributable to full–time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full–time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non–instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full–time assignment for regular non–instructional employees having comparable duties.

(c) Regular Assignment. Include the regular assignment of full–time faculty as defined in Section 53302.

(d) Overload. Exclude full–time faculty overload from the calculation of FTEF.

(e) Sabbatical. Include full–time faculty sabbatical FTEF, whether paid or unpaid, and exclude the FTEF of replacement faculty, whether full–time or part–time, from the computation to determine the full–time faculty percentage pursuant to Section 53308.

(f) Released/Reassigned Time. Include FTEF for full–time faculty who are released or reassigned. The FTEF of a full–time faculty member on released or reassigned time shall be counted as if the faculty member was teaching/working full–time and had not been provided released or reassigned time. The FTEF of replacement faculty, whether full–time or part–time, shall be excluded from the computation to determine the full–time faculty percentage pursuant to Section 53308.

(g) Unpaid Leave. Include unpaid leave FTEF for a faculty member on unpaid leave. The FTEF of a full–time faculty member on unpaid leave shall be counted as if the faculty member was teaching/working full–time and had not been provided with unpaid leave. The FTEF of replacement faculty, whether full–time or part–time, shall be excluded from the computation to determine the full–time faculty percentage pursuant to Section 53308.

(h) Teaching by Others. Include credit instruction FTEF taught by classified staff or administrators who are appropriately qualified to teach, under the following conditions:

(1) Only the actual hours of teaching by such individuals shall be included in determining the FTEF; and

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

(i) Late Retirement. The FTEF of a faculty member who resigned or retired and who provided written notice thereof within 45 faculty duty days of the end of the previous Spring primary term and whose position has not been replaced by another full–time faculty member by the current Fall primary term, shall be included. The FTEF of replacement faculty, whether full–time or part–time, shall be excluded from the computation to determine the full–time faculty percentage pursuant to Section 53308.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term or the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025. If the number of late retirees exceeds 15% of the district's total number of full–time faculty, and the district's governing board and academic senate jointly agree, a district may file a request with the Chancellor's Office for a one–year extension to fulfill its hiring obligation to replace those retirees.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).
2. Amendment of subsection (i) filed 10–16–2001; operative 11–15–2001. Submitted to OAL for printing only (Register 2001, No. 43).

Article 2. Proportions of Full–Time and Part–Time Faculty, Computation and Reports

§ 53310. Rules for Calculating Full–Time Equivalent Faculty (FTEF) Attributable to Part–Time Faculty.

In calculating full–time equivalent faculty (FTEF) attributable to part–time faculty, the following rules shall be applicable:

(a) With respect to instruction, FTEF shall be calculated based on the percentage of instructional hours per week considered a full–time assignment for regular instructional employees having comparable duties, excluding any noncredit instructional assignments.

(b) With respect to non–instructional activities, FTEF shall be calculated based on the percentage of working hours per week considered a full–time assignment for regular non–instructional employees having comparable duties.

(c) All instructional and noninstructional activities of part–time faculty shall be included, except the following:

(1) FTEF attributable to part–time faculty who replace full–time faculty on sabbatical leave.

(2) FTEF attributable to part–time faculty who replace full–time faculty on released or reassigned time.

(3) FTEF of part–time faculty replacing full–time faculty on unpaid leave.

(4) FTEF of part–time faculty replacing full–time faculty who resigned or retired late as defined in section 53309(i).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)–(h) and amendment of NOTE filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
5. Amendment of subsections (d), (e), (g) and (h) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Amendment of section heading and section filed 3–25–98; operative 4–24–98. Submitted to OAL for printing only (Register 98, No. 14).
7. Repealer and new section filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).
8. New subsection (c)(4) filed 10–16–2001; operative 11–15–2001. Submitted to OAL for printing only (Register 2001, No. 43).

§ 53311. Base Data.

For purposes of this Subchapter, "base data" means both the district's base full–time faculty percentage and its base full–time faculty obligation (the number of full–time faculty the district is required to maintain or the number of additional full–time faculty to be hired by the Fall term of the subsequent year.) The data necessary to calculate the base full–time faculty percentage shall be determined from the current year's Fall management information system staff data submission to the Chancellor's Office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment filed 3–25–98; operative 4–24–98. Submitted to OAL for printing only (Register 98, No. 14).
5. Amendment filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53312. Additional Full–Time Faculty Positions.

(a) The Chancellor shall compute the number of full–time faculty which each district is to secure in accordance with Sections 51025 and 53308, as the result of applying additional FTES growth and program improvement revenue allotments.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part–time instructors times the statewide average full–time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full–time equivalent student workload obligation to secure additional full–time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full–time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (c) and NOTE and new subsection (d) filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
3. Amendment of subsection (a) filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).

§ 53314. Report to Districts.

By the Spring term of each year, the Chancellor shall report to districts the estimated number of full–time faculty each district must secure by the following Fall term based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors' action pursuant to Section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Repealer and new section and amendment of NOTE filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment filed 6–23–2000; operative 7–23–2000. Submitted to OAL for printing only (Register 2000, No. 26).

Article 3. Enforcement

§ 53320. Funding Reductions.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Subchapter 4. Minimum Qualifications

Article 1. Scope and Definitions

§ 53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this Subchapter. Contract classes which award college credit are subject to this Subchapter, even if they are not supported by state apportionment.

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

HISTORY

1. New section filed 6–26–92; operative 7–27–92 (Register 92, No. 26).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410–53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisorial, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

Every person authorized to serve under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. However, a credential shall be invalid when the holder has been convicted of any crime that, under former law, would have been mandatory grounds for revocation, or when the Chancellor's Office has determined that the credential was obtained by fraud.

NOTE: Authority cited: Sections 70901, 87355 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87355 and 87356, Education Code.

HISTORY

1. New section filed 6–26–92; operative 7–27–92 (Register 92, No. 26).
2. New second paragraph and amendment of NOTE filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this Subchapter, the requirement is for the stated number of years of full–time experience or the equivalent in part–time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field. Applicants bear the responsibility for verifying all experience by documentation satisfactory to the districts.

As used in this Subchapter, "professional experience" includes teaching experience. "Occupational experience" does not include teaching experience.

As used in this Section, "year" means that period of time which in that occupation is accepted by contract or general agreement as a regular work year for that occupation on a full–time basis.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 6–26–92; operative 7–27–92 (Register 92, No. 26).
2. Amendment of section and NOTE filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53405. Certificated Employees.

Whenever in this Division, reference is made to "certificated employees" or to employees in "positions with certification qualifications," where such references are to certificates or credentials issued by the Board of Governors, these references are deemed to also apply to persons employed by districts pursuant to minimum qualifications established pursuant to Subchapter 4 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 53406. Requirement for Accredited Degrees and Units; Definition of Accredited Institution.

All degrees and units used to satisfy minimum qualifications shall be from accredited institutions, unless otherwise specified in this Article.

For purposes of this Subchapter, "accredited institution" shall mean a postsecondary institution accredited by an accreditation agency recognized by either the U.S. Department of Education or the Council on Postsecondary Accreditation. It shall not mean an institution "approved" by the California Department of Education or by the California Council for Private Postsecondary and Vocational Education.

Determination of equivalency of foreign degrees shall be according to district rule.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 53407. Disciplines Lists.

(a) The Board of Governors hereby adopts and incorporates by reference into this provision the two lists published by the Chancellor's Office, entitled "Disciplines Requiring the Master's Degree" and "Disciplines in which the Master's Degree is not Generally Expected or Available," as adopted by the Board at its September 2005 meeting, for the following purposes:

(1) to establish a working definition of the term "discipline" as used in section 53410;

(2) to define which disciplines are "reasonably related" to one another, for purposes of section 53410;

(3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of section 53410.

(b) Revisions after September 2005 to the two lists referenced in subdivision (a) shall be considered incorporated by reference into this provision when they have been adopted by the Board.

NOTE: Authority cited: Sections 70901, 87356 and 87357, Education Code. Reference: Sections 70901(b)(1)(B), 87356 and 87357, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
2. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 2. Qualifications and Equivalencies

§ 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

The minimum qualifications for service as a community college faculty member teaching any credit course, or as a counselor or librarian, shall be satisfied by meeting any one of the following requirements:

(a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree, or equivalent foreign degree, plus two years of professional experience directly related to the faculty member's assignment; or

(2) Possession of an associate degree, or equivalent foreign degree, plus six years of professional experience directly related to the faculty member's assignment.

NOTE: Authority cited: Sections 66700, 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87003, and 87356, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsections (a) and (b) filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
4. Amendment of NOTE filed 11–10–93; operative 10–8–93 (Register 93, No. 46).
5. Editorial correction of subsection (c)(2) (Register 96, No. 40).

§ 53410.1. Professional License As Alternative Qualification.

For disciplines specified in this section, a bachelor's degree in the discipline of the assignment plus a professional license or certification may be substituted for the minimum qualifications specified in section 53410. The license or certification so substituted must be valid in California. The following professional licenses and certifications are acceptable:

Discipline	*License or Certification*
Accounting	Certified Public Accountant
Counseling	Marriage and Family Therapist
Engineering	Professional Engineer
Nutritional Science/Dietetics	Registered Dietitian

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
2. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 53411. Minimum Qualifications for Health Services Professionals.

(a) The minimum qualifications for a health services professional with overall responsibility for developing and directing student health services shall be a valid, current California license as a registered nurse, and either of the following:

(1) a master's degree in nursing and a California Public Health Nurse certificate; or

(2) a bachelor's degree in nursing, a California Public Health Nurse certificate, and a master's degree in health education, sociology, psychology, counseling, health care administration, public health, or community health.

(b) Other health services personnel shall not be subject to statewide minimum qualfications; however, all personnel shall possess appropriate valid, current licensure or certification to practice in California when required by law. Ancillary personnel shall work under appropriate supervision when required by their license laws.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87003 and 87356, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53412. Minimum Qualifications for Instructors of Noncredit Courses.

Except as provided elsewhere in this article, the minimum qualifications for service as a faculty member teaching a noncredit course shall be the same as the minimum qualifications for credit instruction in the appropriate discipline, or as follows:

(a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.

(b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.

(c) For a noncredit basic skills course in reading and/or writing, either: a bachelor's degree in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's degree in any discipline and twelve semester units of coursework in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's degree in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

(1) A bachelor's degree in teaching English as a second language, or teaching English to speakers of other languages.

(2) A bachelor's degree in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's degree with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full–time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's degree in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's degree in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

(1) A bachelor's degree with a major related to the subject of the course taught; and either (A) or (B) below:

(A) Thirty hours or two semester units of course work or class work in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This requirement

may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

(1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught.

(2) An associate degree; and six years of occupational experience related to the subject of the course taught.

(3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.

(4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in Section 53413.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment filed 6-19-91; operative 7-19-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 50).
3. Amendment of first paragraph and subsection (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
5. Editorial correction of printing error in subsection (a) and inadvertant omission of subsection (h)(1) (Register 92, No. 45).
6. Amendment of section and NOTE filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) The minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following two requirements:

(1) Possession of an associate degree, plus four years of occupational experience in the subject matter area to be taught; or

(2) Six years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits.

(b) The minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

(1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or

(2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87356 and 87357, Education Code.

HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment of subsections (a), (b) and (b)(3) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. New subsections (c)-(c)(2) filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
4. Amendment of section and NOTE filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
5. Repealer of subsections (a)-(a)(2), subsection relettering and amendment of newly designated subsections (a) and (b) filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 53414. Minimum Qualifications for Disabled Students Programs and Services Employees.

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements;

(1) Possession of a master's degree, or equivalent foreign degree, in rehabilitation counseling, or

(2) Possession of a master's degree, or equivalent foreign degree, in special education, and twenty four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, psychology, career development, or social welfare; and either twelve or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following;

(A) Counseling or guidance for students with disabilities; or

(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be the minimum qualifications for an instructor of credit physical education, and fifteen semester units of upper division or graduate study in adapted physical education.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in speech pathology and audiology, or in communication disorders; and

(2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in Subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in the category of disability, special education, education, psychology, educational psychology, or rehabilitation counseling; and

(2) Fifteen semester units of upper division or graduate study in the area of disability, to include, but not be limited to:

(A) Learning disabilities;

(B) Developmental disabilities;

(C) Deaf and hearing impaired;

(D) Physical disabilities; or

(E) Adapted computer technology.

(e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following:

(1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.

(2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer–based education; other computer–related majors which include course work on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.

(3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.

(4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B) and 87356, Education Code.

HISTORY

1. New section filed 10–30–90 with Secretary of State by Board of Governors, California Community Colleges; operative 11–30–90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment of subsections (a)(3), (b), (c)(2) and (d), and new subsections (e)–(e)(4) filed 6–26–92; operative 7–27–92 (Register 92, No. 26).
4. Amendment of section and NOTE filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53415. Minimum Qualifications for Learning Assistance or Learning Skills Coordinators or Instructors, and Tutoring Coordinators.

The minimum qualifications for service as a learning assistance or learning skills coordinator or instructor, or tutoring coordinator, shall be either (a) or (b) below:

(a) the minimum qualifications to teach any master's level discipline in which learning assistance or tutoring is provided at the college where the coordinator is employed; or

(b) a master's degree in education, educational psychology, or instructional psychology, or other master's degree with emphasis in adult learning theory.

Minimum qualifications do not apply to tutoring or learning assistance for which no apportionment is claimed.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901 and 87356, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53416. Minimum Qualifications for Work Experience Instructors or Coordinators.

The minimum qualifications for an instructor or coordinator of general or occupational work experience education, as defined in Section 55252, shall be the minimum qualifications in any discipline in which work experience may be provided at the college where the instructor or coordinator is employed.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901 and 87356, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53417. Licensed or Certificated Occupations.

In addition to other minimum qualifications specified in this article, the minimum qualifications for a faculty member teaching any credit or noncredit course shall include a current, valid certificate to work or a license to practice in California, whenever the instructor's possession of such a certificate or license is required for program or course approval, or when current occupational certification is essential for effective instruction, as determined through local hiring procedures.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901 and 87356, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53420. Minimum Qualifications for Educational Administrators.

The minimum qualifications for service as an educational administrator shall be both of the following:

(a) Possession of a master's degree; and

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment.

NOTE: Authority cited: Sections 66700, 70901 and 87356, Education Code. Reference: Sections 87002 and 87356, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading and first paragraph filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment of section and NOTE filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§ 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty or educational administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this Article or elsewhere in this Division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed under the authority granted by this Section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this Division.

(c) The process shall further require that the academic senate be provided with an opportunity to present its views to the governing board before the governing board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to Subdivision (b), the district shall be bound by the minimum qualifications set forth in this Subchapter.

NOTE: Authority cited: Sections 66700, 70901 and 87359, Education Code. Reference: Section 87359, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (b) filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

4. Amendment of subsections (a), (b) and (d) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Subchapter 5. Faculty Internship Programs

§ 53500. General Authority.

The governing board of any community college district may establish a faculty internship program pursuant to the provisions of this Subchapter and Section 87487 of the Education Code. In accordance therewith, governing boards may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code or in vocational and technical fields where a master's degree is not generally expected or available, persons who are within one year of meeting the regular faculty minimum qualifications. Persons who meet the regular faculty minimum qualifications but who lack teaching experience may also be included in internship programs authorized by this Section to the extent authorized by the local governing board. A student employed as a faculty intern shall be employed as a temporary faculty member under Section 87482.5 of the Education Code, and shall meet the minimum qualifications specified in Section 53502.

For purposes of this Subchapter, the term "faculty intern" does not include any person, no matter how designated, who only assists in a class taught by a regularly qualified faculty member, and who has no independent responsibility for instruction or supervision of students. Such a person may be termed an "intern," and may serve as a volunteer or receive a stipend according to policies established by the district.

NOTE: Authority cited: Sections 70901 and 87487, Education Code. Reference: Section 87487, Education Code.

HISTORY

1. New section filed 4–3–92; operative 5–4–92 (Register 92, No. 15).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of first paragraph filed 9–3–96; operative 10–3–96. Submitted to OAL for printing only (Register 96, No. 40).

§ 53501. Purposes.

The purposes of the faculty internship program shall include, but not be limited to, the following:

(a) To enhance the recruitment of qualified persons pursuing the master's or doctoral degrees, or both, into faculty positions in community colleges in California, particularly for disciplines for which recruitment is difficult and for disciplines in which a shortage of qualified faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce graduate students, before they approach the end of their graduate studies, to the community college environment and student population.

(b) To enhance the recruitment of qualified persons pursuing an associate degree into faculty positions in community colleges in California, particularly for disciplines for which current industry experience is important and disciplines for which recruitment is difficult and in which a shortage of faculty is anticipated. In order to accomplish this purposes, the internship program shall serve to introduce industry practitioners to the community college environment and student populations while encouraging them to complete their associate degrees.

(c) To enhance community college efforts toward building a diverse faculty. In order to accomplish this purpose, the internship program shall place special emphasis on promoting inclusive efforts to locate and attract qualified graduate students who are members of monitored groups as defined in section 53001(i).

NOTE: Authority cited: Sections 70901, 87105 and 87487, Education Code. Reference: Sections 87101 and 87487, Education Code.

HISTORY

1. New section filed 4–3–92; operative 5–4–92 (Register 92, No. 15).
2. New subsection (b) and subsection relettering filed 9–3–96; operative 10–3–96. Submitted to OAL for printing only (Register 96, No. 40).
3. Amendment of first paragraph and subsections (b)–(c) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 53502. Minimum Qualifications.

A student employed as a faculty intern shall meet the following minimum qualifications:

(a) For those disciplines in which a master's degree is required, faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State University, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code, and shall have completed at least one–half of the coursework, or the equivalent, in that graduate program.

(b) For those disciplines for which a master's degree is not expected or required, the faculty intern shall possess any license or certificate required to do that work and (1) be within one year of completing the associate degree and have six years industry experience in the discipline, or (2) have completed the associate degree and have completed five years of industry experience in that discipline.

(c) Faculty interns shall only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies or associate degree and six years of industry experience in that discipline. A faculty intern shall be limited to two years of participation in the program.

(d) Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the service that the faculty intern is providing. The district governing board shall ensure that faculty mentors provide substantial direct in–class supervision and evaluation of interns' teaching capabilities. The mentor shall have no other assigned duties during the time that the faculty intern is teaching or rendering service. The mentor is responsible for providing direct monitoring and systematic contact with the faculty intern.

NOTE: Authority cited: Sections 70901 and 87487, Education Code. Reference: Sections 70901 and 87487, Education Code.

HISTORY

1. New section filed 4–3–92; operative 5–4–92 (Register 92, No. 15).
2. Amendment filed 9–3–96; operative 10–3–96. Submitted to OAL for printing only (Register 96, No. 40).

§ 53530. Use of Bond Proceeds.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by the Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Renumbering and amendment of former section 53530 to section 59422 filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 53540. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by the Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Renumbering and amendment of former section 53540 to section 59424 filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

Chapter 5. Students

Subchapter 1. Student Residence Classification

§ 54000. Uniform Residency Requirements.

The provisions of this chapter implement and should be read in conjunction with the Uniform Residency Requirements contained in part 41 (commencing with section 68000) of the Education Code.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Part 41 (commencing with Section 68000), Education Code.

HISTORY

1. Repealer of chapter 1 (sections 54000, 54001, 54100, 54101) and new chapter 1 (sections 54000 through 54082, not consecutive) filed 6–25–73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 26). For prior history, see Register 70, No. 16.
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No.45).
3. Repealer of chapter 1 (sections 54000–54082, not consecutive) and new chapter 1 (sections 54000–54070, not consecutive) filed 11–22–82; effective thirtieth day thereafter (Register 82, No. 48). For prior history, see Registers 79, No. 46; 77, No. 45; 74, No. 45; 74, No. 10; and 73, No. 44.
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 19).

§ 54001. Adoption of Rules and Regulations; Publication; Uniformity.

The residence determination date and a summary of the rules and regulations adopted by the Board of Governors and district governing boards pursuant to chapter 1, part 41 of division 5 of the Education Code, commencing with section 68000, shall be published in the district catalogs and/or addenda thereto. The applicable Education Code provisions and the rules and regulations adopted by the Board of Governors and the district shall be made available to the students at each district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by the Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54002. Residence Determination Date.

"Residence determination date" is that day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college.

NOTE: Authority cited: Sections 66700, 68023, 68044, and 70901, Education Code. Reference: Section 68023, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54010. Residence Classification Procedures.

(a) Residence classification shall be made for each student at the time applications for admission are accepted and whenever a student has not been in attendance for more than one semester or quarter. A student previously classified as a nonresident may be reclassified as of any residence determination date.

(b) The student shall be required to present evidence of physical presence in California, intent to make California the home for other than a temporary purpose and, if the student was classified as a nonresident in the preceding term, financial independence.

(c) Community college districts shall require applicants to supply information as specified in this subchapter and may require additional information as deemed necessary.

(d) The district shall weigh the information provided by the student and determine whether the student has clearly established that he or she has been a resident of California for one year prior to the residence determination date.

(e) Applicants shall certify their answers on residence questionnaires under oath or penalty of perjury.

(f) Pursuant to section 54300, the district may authorize any information required by this section to be submitted electronically using electronic signatures in lieu of manual signatures as specified in section 54300.

NOTE: Authority cited: Sections 66700, 68044, 70901 and 70901.1, Education Code. Reference: Sections 68044, 68062 and 70901.1, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).
3. New subsection (f) and amendment of NOTE filed 5–13–99; operative 6–14–99 (Register 99, No. 20).
4. Amendment of subsections (c) and (f) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54012. Residence Questionnaires.

(a) Each community college district shall use a residence questionnaire in making residence classifications.

(b) The residence questionnaire shall ask each student where the student has maintained his or her home for the last two years and whether the student has engaged in any activity listed in subsection (f) of section 54024.

(c) The questionnaire shall ask each student under 19 years of age where the parent has lived for the last two years and whether the parent has engaged in any activity listed in subsection (f) of section 54024.

(d) If the student, or the student's parent if the student is under age 19, has either maintained a home outside of California at any time during the last two years, or has engaged in any activity listed in subsection (f) of section 54024, the student shall be asked for additional evidence of intent to reside in California such as that identified in subsection (e) of section 54024.

(e) The Chancellor shall provide a sample residence questionnaire which districts may use in complying with this requirement.

NOTE: Authority cited: Sections 66700, 68044 and 70901, Education Code. Reference: Sections 68044 and 68062, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54020. Residence.

In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68017, 68060, 68061 and 68062, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54022. Physical Presence.

(a) A person capable of establishing residence in California must be physically present in California for one year prior to the residence determination date to be classified as a resident student.

(b) A temporary absence for business, education or pleasure will not result in loss of California residence if, during the absence, the person always intended to return to California and did nothing inconsistent with that intent.

(c) Physical presence within the state solely for educational purposes does not constitute establishing California residence regardless of the length of that presence.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68017, 68023, 68060, 68061 and 68062, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54024. Intent.

(a) Intent to make California the home for other than a temporary purpose may be manifested in many ways. No one factor is controlling.

(b) A student who is 19 years of age or over, and who has maintained a home in California continuously for the last two years shall be presumed to have the intent to make California the home for other than a temporary purpose unless the student has evidenced a contrary intent by having engaged in any of the activities listed in subdivision (f).

(c) A student who is under 19 years of age shall be presumed to have the intent to make California the home for other than a temporary purpose if both the student and his or her parent have maintained a home in California continuously for the last two years unless the student has evidenced a contrary intent by having engaged in any of the activities listed in subdivision (f).

(d) A student who does not meet the requirements of subdivision (b) or subdivision (c) shall be required to provide evidence of intent to make California the home for other than a temporary purpose as specified in subdivision (e).

(e) Objective manifestations of intent to establish California residence include but are not limited to:

(1) Ownership of residential property or continuous occupancy of rented or leased property in California.

(2) Registering to vote and voting in California.

(3) Licensing from California for professional practice.

(4) Active membership in service or social clubs.

(5) Presence of spouse, children or other close relatives in the state.

(6) Showing California as home address on federal income tax form.

(7) Payment of California state income tax as a resident.

(8) Possessing California motor vehicle license plates.

(9) Possessing a California driver's license.

(10) Maintaining permanent military address or home of record in California while in armed forces.

(11) Establishing and maintaining active California bank accounts.

(12) Being the petitioner for a divorce in California.

(f) Conduct inconsistent with a claim of California residence includes but is not limited to:

(1) Maintaining voter registration and voting in another state.

(2) Being the petitioner for a divorce in another state.

(3) Attending an out–of–state institution as a resident of that other state.

(4) Declaring nonresidence for state income tax purposes.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68017, 68060, 68061 and 68062, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).
3. Change without regulatory effect amending subsections (b)–(d) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54026. Burden.

The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Section 68041, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54028. One–Year Waiting Period.

The one–year residence period which a student must meet to be classified as a resident does not begin to run until the student both is present in California and has manifested clear intent to become a California resident.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68017, 68060, 68061 and 68062, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54030. Reestablished Residence.

If a student or the parents of a minor student relinquish California residence after moving from the state, one full year of physical presence, coupled with one full year of demonstrated intent to be a California resident, is required to reestablish residence for tuition purposes, except as provided in Education Code section 68070.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68017, 68060, 68061 and 68062, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54032. Financial Independence.

(a) A student seeking reclassification as a resident, who was classified as a nonresident in the preceding term, shall be determined financially independent or dependent in accordance with Education Code section 68044.

(b) A student who has established financial independence may be reclassified as a resident if the student has met the requirements of section 54020 for one year prior to the residence determination date.

(c) In determining whether the student has objectively manifested intent to establish California residence, financial independence shall weigh in favor of finding California residence, and financial dependence shall weigh against finding California residence.

(d) Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than shall financial dependence in earlier calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if

(1) the parent on whom the student is dependent is a California resident, or

(2) there is no evidence of the student's continuing residence in another state.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Section 68044, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54040. Self-Supporting Exception.

Any student claiming application of the self-supporting exception pursuant to Education Code section 68071 shall provide evidence such as: documentation, including W-2 forms or a letter from the employer, showing earnings for the year immediately preceding the residence determination date of attendance, a statement that the student has actually been present in California for said year (short absences from the state for business or pleasure will not preclude the accumulation of time), and a statement showing all expenses of the student for said year.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68044 and 68071, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54041. Military Dependent.

A dependent natural or adopted child, stepchild or spouse of a member of the armed forces of the United States claiming residence status pursuant to section 68074 of the Education Code shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date; or that the military person is outside of California on active duty after having been transferred immediately and directly from a California duty station after the residence determination date; or that the military person has, after the residence determination date, retired as an active member of the armed forces of the United States. A statement that the student who qualifies for resident classification as a natural or adopted child or stepchild is a dependent of the military person for an exemption on federal taxes shall also be provided.

NOTE: Authority cited: Sections 66700, 68044 and 70901, Education Code. Reference: Sections 68044 and 68074, Education Code.

HISTORY

1. Amendment filed 6-8-83; effective thirtieth day thereafter (Register 83, No. 24).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 19).
4. Amendment filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54042. Member of Military.

A student claiming application of section 68075 of the Education Code must provide a statement from the student's commanding officer or personnel officer that the assignment to active duty in this state is not for educational purposes. The student should also produce evidence of the date of assignment to California.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68044 and 68075, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54045. Alien Students.

(a) An alien not precluded from establishing domicile in the United States by the Immigration and Nationality Act (8 U.S.C. 1101, et seq.) shall be eligible to establish residency pursuant to the provisions of this subchapter.

(b) An alien is precluded from establishing domicile in the United States if the alien:

(1) entered the United States illegally (undocumented aliens);

(2) entered the United States under a visa which requires that the alien have a residence outside of the United States; or

(3) entered the United States under a visa which permits entry solely for some temporary purpose.

(c) An alien described in paragraph (b) shall not be classified as a resident unless and until he or she has taken appropriate steps to obtain a change of status from the Immigration and Naturalization Service to a classification which does not preclude establishing domicile, and has met the requirements of Sections 54020-54024 related to physical presence and the intent to make California home for other than a temporary purpose. The Chancellor shall, after consultation with the University of California and the California State University, issue guidelines for the implementation of this section.

(d) Notwithstanding any other provision of this subchapter, an alien who was classified as a California resident by any college in a district as of September 30, 1991, or during the Fall 1991 term, shall not be subject to reclassification unless the student has not been in attendance at any college in the district for more than one semester or quarter.

NOTE: Authority cited: Sections 66700, 68044 and 70901, Education Code. Reference: Section 68062(h), Education Code; 8 U.S.C. 1101(a)(15); *Toll* v. *Moreno*, 458 U.S. 1 (1982); and *Regents of the University of California* v. *Bradford*, 225 Cal.App.3rd, 972, 276 Cal. Rptr. 197 (1990).

HISTORY

1. Repealer and new section filed 3-3-86; effective thirtieth day thereafter (Register 86, No. 10).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment filed 8-30-91; operative 9-29-91 (Register 92, No. 4).
4. Editorial correction of printing error in second paragraph (Register 92, No. 12).
5. Repealer and new section filed 1-16-92; operative 2-18-92 (Register 92, No. 18).
6. Editorial correction of HISTORY 2 (Register 95, No. 19).

§ 54045.5. Nonresident Tuition Exemption.

(a) In accordance with Education Code section 68130.5, any student, other than a student who is a nonimmigrant alien under 8 U.S.C. 1101(a)(15), shall be exempt from paying nonresident tuition at any community college district if he or she:

(1) Attended high school in California for three or more years;

(2) Graduated from a California high school or attained the equivalent of such graduation; and

(3) Registers for or is enrolled in a course offered by any college in the district for any term commencing on or after January 1, 2002.

(b) Any student seeking an exemption under subdivision (a) shall complete a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption, and may be required to provide documentation in addition to the information required by the questionnaire as necessary to verify eligibility for an exemption. All nonpublic student information so provided shall be confidential and shall not be disclosed unless required by law.

(c) Any student without lawful immigration status who is seeking an exemption under subdivision (a), shall, in the questionnaire described in (b), affirm that he or she has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

(d) A student seeking this tuition exemption has the burden of providing evidence of compliance with the requirements of this section.

(e) Nothing herein modifies eligibility standards for any form of student financial aid, including but not limited to, those contained in Subchapter 7 of Chapter 9 of this Division.

(f) Nothing herein authorizes a refund of nonresident tuition that was paid for any term commencing prior to January 1, 2002.

NOTE: Authority cited: Sections 66700, 68130.5 and 70901, Education Code. Reference: Section 68130.5, Education Code.

HISTORY

1. New section filed 5-3-2002; operative 6-2-2002. Submitted to OAL for printing only (Register 2002, No. 25).

§ 54046. Public School Employee Holding Valid Credential.

A student claiming residence status pursuant to section 68078 of the Education Code shall provide a statement from the employer showing employment by a public school in a full-time position requiring certification qualifications for the college year in which the student enrolls. The student must also show that he or she holds a credential and will enroll in courses necessary to obtain another type of credential authorizing service in the public schools, or that the student holds a credential issued by the Board of Governors and is enrolled in courses necessary to fulfill credential requirements.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Sections 68044 and 68078, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54047. Student Under Custody of Resident Adult.

A student claiming residence under provisions of section 68073 of the Education Code shall provide evidence that the adult or adults with whom the student has resided has had California residence for 1 year immediately preceding the residence determination date, and further evidence that the student has resided with such adult or adults for a period of not fewer than 2 years.

NOTE: Authority cited: Sections 66700, and 68044, Education Code. Reference: Sections 68044 and 68073, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54048. Agricultural Employment.

A student claiming residence shall provide either (a) or (b):

(a) Evidence that the student's parent with whom the student is living earns a livelihood primarily by performing agricultural labor for hire in California and other states and has performed such labor in California for at least two months in each of the preceding two years, and that the parent lives within the district. If the parent of such student had sufficient income to incur personal income tax liability for federal and/or state purposes, proof that the student was claimed as a dependent on federal or state personal income tax returns shall also be required.

(b) Evidence showing the student himself or herself earns a livelihood primarily by performing agricultural labor for hire in California and other states and that such labor has been performed in California for at least two months in each of the preceding two years.

As used in this section agricultural labor for hire means seasonal employment in connection with actual production of agricultural crops, including seeding, thinning and harvesting.

NOTE: Authority cited: Sections 66700, 68044, 68040 and 68100, Education Code. Reference: Sections 68044, 68100 and 78034, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54050. Military Exceptions.

Those exceptions from payment of nonresident tuition provided by Education Code sections 68074 (military dependents) and 68075 (military members) apply for so long as the student qualifies under the terms of either section 68074 or section 68075. Resident classification for purposes of determining the amount of tuition and fees includes eligibility for Board of Governors fee waivers.

NOTE: Authority cited: Sections 66700 and 68044, Education Code. Reference: Sections 68044, 68074 and 68075, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).
3. Amendment of section heading and section filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54060. Appeal Procedure.

(a) A community college district shall notify each student of the student's residence classification not later than fourteen (14) calendar days after the beginning of the session for which the student has applied, or fourteen (14) calendar days after the student's application for admission, whichever is later.

(b) Any student, following a decision on residence classification by the college, may make written appeal of that decision. Each community college district shall establish procedures for appeals of residence classifications.

(c) The Chancellor will advise community college districts on issues in residence classification. However, the student shall have no right of appeal to the Chancellor or Board of Governors.

NOTE: Authority cited: Sections 66700 and 68044, Education Code. Reference: Sections 68040, 68044 and 78034, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54070. Refunds.

The governing board of each community college district shall adopt rules providing for refund of the following nonresident tuition fees:

(a) Those collected in error.

(b) Those refundable as a result of a reduction of the educational program at the community college for which the fees have been paid.

(c) Those refundable as a result of the student's reduction of units or the student's withdrawal from an education program at the community college for which fees have been paid, where reduction or withdrawal is for reasons deemed sufficient by the governing board.

NOTE: Authority cited: Sections 66700, 68044 and 68051, Education Code. Reference: Sections 68044 and 68051, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 19).

§ 54072. Waiver.

The community college district may waive nonresident tuition fees which were not collected in a previous session where:

(a) The fees were not collected as a result of the district's error and not through the fault of the student, and

(b) To collect the fees would cause the student undue hardship. No state funds may be collected for the attendance of a student for whom fees were waived pursuant to this section.

NOTE: Authority cited: Sections 66700, 68044 and 68051, Education Code. Reference: Section 68044, Education Code.

HISTORY

1. New section filed 6–8–83; effective thirtieth day thereafter (Register 83, No. 24).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 19).

Subchapter 2. Parking for Students with Disabilities

§ 54100. Parking for Students with Disabilities.

(a) Each community college district which provides parking shall, consistent with the requirements of this section and Education Code section 67301, provide parking at each of its colleges or centers to students with disabilities and those providing transportation for such students.

(b) For purposes of this section, "students with disabilities" are those who have enrolled at the college and:

(1) qualify as disabled persons or disabled veterans pursuant to section 22511.5 of the Vehicle Code; or

(2) are entitled to special parking provided through Disabled Student Programs and Services pursuant to subchapter 1 (commencing with section 56000) of chapter 7 of this division.

(c) Students with disabilities using parking provided under this section may be required to display a distinguishing license plate or placard issued by the Department of Motor Vehicles pursuant to section 22511.5 of the Vehicle Code or a special sticker issued by the college authorizing parking in spaces designated for persons with disabilities.

(d) Students with disabilities may be required to pay parking permit fees imposed pursuant to Education Code section 76360. Students with disabilities shall not be required to pay any other charge, or be subjected to any time limitation or other restriction not specified herein, when parking in any of the following areas:

(1) any restricted zone described in subdivision (a) of section 21458 of the Vehicle Code;

(2) any street upon which preferential parking privileges and height limits have been given pursuant to section 22507 of the Vehicle Code;

(3) any parking zone that is restricted as to the length of time parking is permitted as indicated by a sign erected pursuant to a local ordinance;

(4) any metered zone; or

(5) any space in any lot or area otherwise designated for use by faculty, staff, administrators, or visitors.

(e) Parking specifically designated for persons with disabilities pursuant to Section 7102 of Title 24 of the California Code of Regulations shall be available to students with disabilities, and those providing transportation to such persons, in those parking areas which are most accessible to facilities which the district finds are most used by students.

(f) Each community college district shall post in conspicuous places notice that parking is available to students with disabilities and those providing transportation for such students.

(g) When parking provided pursuant to this section is located in an area where access is controlled by a mechanical gate, the district shall ensure that accommodations are made for students with disabilities who are unable to operate the gate controls. Accommodations may be provided by an attendant assigned to assist in operation of the gate or by any other effective means deemed appropriate by the district.

(h) Revenue from parking fees collected pursuant to Education Code section 76360 may be used to offset the costs of implementing this section.

NOTE: Authority cited: Sections 66700, 67301 and 70901, Education Code. Reference: Sections 67301 and 76360, Education Code; and Sections 21458, 22507 and 22511.5, Vehicle Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer of Chapter 2 (Section 54150) filed 7–29–82; effective thirtieth day thereafter (Register 82, No. 31).
3. New section filed 1–16–92; operative 2–18–92 (Register 92, No. 12).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 2.5. Medical Insurance for Hazardous Activities

NOTE: Authority cited: Sections 71020, 72246.5, Education Code. Reference: Section 72246.5, Education Code.

HISTORY

1. New Chapter 2.5 (Articles 1–3, Sections 54161–54184, not consecutive) filed 12–13–78 as an emergency; effective upon filing. Certificate of Compliance included (Register 78, No. 50).
2. Repealer of Chapter 2.5 (Sections 54160–54184) filed 11—15–79; effective thirtieth day thereafter (Register 79, No. 46).

Subchapter 3. Attendance

NOTE: Authority cited: Sections 66700, 71020, 76300, 78405, 84500.1, and 84530, Education Code. Reference: Sections 8512, 76300, 78203, 78412, 84500, 84500.1, 84500.5, and 84530, Education Code.

HISTORY

1. Repealer of Chapter 3 (Subchapters 1 and 2, Sections 54200–54222, not consecutive) and new Chapter 3 (Articles 1 and 2, Sections 54180–54228, not consecutive) filed 8–12–80; effective thirtieth day thereafter (Register 80, No. 33). For prior history, see Registers 79, No. 46; 77, No. 45; and 74, No. 10.
2. Repealer of Chapter 3 (Articles 1 and 2, Sections 54180–54228, not consecutive) filed 7–29–82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Register 81, No. 3.

§ 54200. Certain Students' Residences More than 60 Miles from Nearest Attendance Center.

(a) Any student under 21 years of age, and any student under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service within the armed forces of the United States, who resides in this state and more than 60 miles from the nearest community college measured by the usual vehicular route between the student's home and the college, may request to attend credit courses at any community college in the state, whether or not the student's residence is in a district maintaining a community college. The governing board of the district maintaining the community college designated by the student shall admit the student provided all requirements for admission are met.

(b) The provisions of this section shall not apply to any student residing in a district maintaining a community college if that district maintains adequate dormitories or housing facilities or provides adequate transportation for the student between the student's home and community college attendance center.

(c) If the student resides within territory not included within any district and resides more than 60 miles from the nearest community college, measured by the usual vehicular route between the student's home and the attendance center, there shall be paid to the parents or other persons having charge or control of the student and directly to adult students and married minors, by the district in which the student attends, a maintenance allowance not to exceed four dollars ($4) per calendar day, including weekends and school holidays, for the portion of a semester, quarter, or other session or term in which the student is enrolled and attends credit classes full time in a community college under this section. The Chancellor may annually increase this amount by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Districts shall receive reimbursement from the Chancellor's Office for allowances paid to students from nondistrict territory for the prior fiscal year not to exceed the maximum amount as provided by law.

(d) Notwithstanding any provisions to the contrary, a student is eligible for the maintenance allowance authorized by this section for the period of time that the student is enrolled and attends credit courses full time at a single community college district or combines credit classes taken at no more than two community college districts to constitute full time enrollment in credit classes.

(e) If a student combines enrollment at two districts to satisfy the full time enrollment and attendance requirement of this section, the claim for reimbursement and payment to the student as noted in subdivision (c)

shall be made by the district where the student is enrolled for the higher number of credit units. If the student is enrolled for an equal number of credit units at each district, the claim for reimbursement and payment to the student shall be made by the district that is located closer to the student's home address. The district that submits the claim for reimbursement and makes payment to the student is responsible for verifying all the claimed credit units that serve as the basis for payment.

(f) Credit classes offered through distance education that meet the requirements of sections 55200 et seq. may be included in establishing full time enrollment so long as a portion of the credit units taken at each community college district to satisfy the requirements of this section are not taken through distance education.

(g) No later than 60 days after the close of each fiscal year the Chancellor shall determine the daily allowance rate for the prior fiscal year. If claims made by districts exceed total funds appropriated in any fiscal year for this purpose, the Chancellor shall prorate the allowances made under this section. No later than 90 days after the close of each fiscal year, the community college districts shall pay eligible students, as verified by the appropriate county superintendent of schools, at the rate prescribed by the Chancellor.

(h) The Chancellor shall prescribe procedures for the submission of claims by districts.

(i) For the purpose of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he or she was honorably discharged from the armed forces of the United States or (b) if he or she was inducted into the armed forces of the United States under the "Military Selective Service Act," and

(1) satisfactorily completes his or her period of training and service under that Act and is issued a certificate to that effect pursuant to that Act, or

(2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to that Act, or

(3) was otherwise released pursuant to that Act under honorable conditions.

(j) For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, and all components of the Coast Guard.

(k) Students residing in nondistrict territory that has been annexed to a community college district and residing more than 60 miles from the nearest community college shall be provided a maintenance allowance as prescribed by this section for up to four years from the date of annexation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by the Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of third and fifth paragraphs filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).
4. Amendment of section and NOTE filed 11–6–97; operative 12–6–97. Submitted to OAL for printing only (Register 97, No. 46).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Amendment of subsections (e), (f) and (i) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Subchapter 4. Student Equity

§ 54220. Student Equity Plans.

(a) In order to promote student success for all students, regardless of race, gender, age, disability, or economic circumstances, the governing board of each community college district shall maintain a student equity plan which includes for each college in the district:

(1) Campus–based research as to the extent of student equity in the five areas described in paragraph (2) and the determination of what activities are most likely to be effective;

(2) Goals for access, retention, degree and certificate completion, ESL and basic skills completion, and transfer; for the overall student population and for each population group of students, as appropriate. Where significant underrepresentation is found to exist in accordance with standards adopted by the Board of Governors, the plan shall include race–neutral and/or gender–neutral measures for addressing disparities in those areas, and, when legally appropriate, goals for addressing a disparity in representation of students with disabilities, and where required by federal law, race–conscious and/or gender–conscious measures for addressing a race or gender disparity;

(3) Implementation activities designed to attain the goals, including a means of coordinating existing student equity related programs;

(4) Sources of funds for the activities in the plan;

(5) Schedule and process for evaluation; and

(6) An executive summary that includes, at a minimum, the groups for whom goals have been set, the goals, the initiatives that the college or district will undertake to achieve these goals, the resources that have been budgeted for that purpose, and the district official to contact for further information.

(b) These plans should be developed with the active involvement of all groups on campus as required by law, and with the involvement of appropriate people from the community.

(c) The Board–adopted plan shall be submitted to the Office of the Chancellor, which shall publish all executive summaries, sending copies to every college and district, the chair of each consultation group that so requests, and such additional individuals and organizations as deemed appropriate.

(d) For the purposes of this section, "each population group of students" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, Hispanics, Whites, men, women, and persons with disabilities. A person shall be included in the group with which he or she identifies as his or her group.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 66010.2, 66010.7, 66030 and 70901, Education Code.

HISTORY

1. New subchapter 4 and section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
2. Amendment of subsections (a)(1), (a)(2) and (b), repealer of subsections (d)–(d)(2), and new subsection (d) filed 1–12–98; operative 2–11–98. Submitted to OAL for printing only (Register 98, No. 3).
3. Amendment of subsections (a) and (a)(2) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 4.5. Electronic Submissions

§ 54300. Electronic Applications and Electronic Signatures.

(a) Community college districts may authorize the electronic submission of any admission form or student form or document.

(b) Electronic signatures in lieu of manual signatures may be used on any documents requiring a signature, providing the electronic signature meets the standards for electronic signatures in electronic student loan transactions adopted by the U.S. Department of Education to implement the Electronic Signatures in Global and National Commerce Act (15 U.S.C. §§ 7001 et seq.).

(c) Applications for admission and residency questionnaires submitted electronically are valid only if they include electronic signatures that satisfy the requirements of subdivision (b).

(d) Prior to the electronic submission of any information, districts will inform applicants and students of the relative security of the information they submit electronically.

NOTE: Authority cited: Sections 66700, 70901 and 70901.1, Education Code. Reference: Section 70901.1, Education Code; and 15 USC Sections 7001, et seq.

HISTORY

1. New subchapter 4.5 (section 54300) and section filed 5–13–99; operative 6–14–99 (Register 99, No. 20).
2. Amendment of section heading, section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 5. Commercial Solicitation on Campus

§ 54400. Student Credit Card Solicitations.

By December 31, 2003, the governing board of each community college district shall adopt policies regulating the solicitation practices used on campuses by credit card companies marketing "student credit cards" as defined in Civil Code section 1747.02(m).

NOTE: Authority cited: Section 99030, Education Code. Reference: Section 99030, Education Code; and Section 1747.02(m), Civil Code.

HISTORY

1. Amendment of subchapter heading and new subchapter 5 (section 54400) and section filed 2–14–2003; operative 3–16–2003. Submitted to OAL for printing only pursuant to Education Code section 70901(b) (Register 2003, No. 15). For prior history, see Register 82, No. 31.

Subchapter 6. Student Records

§ 54600. Purpose.

(a) This subchapter is adopted pursuant to and for implementation of chapter 1.5 (commencing with section 76200), part 47 of division 7 of the Education Code regarding student records. The provisions of this subchapter should be read and interpreted in conjunction with the provisions of chapter 1.5.

(b) Any conflicts between the provisions of this subchapter and federal law shall be interpreted to ensure the continuance of federal education funds to community college districts. Where federal law permits the disclosure of information concerning students, each community college district may determine whether to provide for such disclosure in that district.

NOTE: Authority cited: Sections 76220, 76225 and 76246, Education Code. Reference: Chapter 1.5 (commencing with Section 76200), Part 47, Division 7, Education Code; 20 USC Section 1232(g); and 34 CFR Part 99.

HISTORY

1. New Chapter 6 Articles 1–7, (Sections 54600–54662, not consecutive) filed 3–5–76; effective thirtieth day thereafter (Register 76, No. 10).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of article heading and amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54602. Construction.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54604. Policy.

Community college districts may establish and maintain only such information on students relevant to admission, registration, academic history, career, student benefits or services, extracurricular activities, counseling and guidance, discipline or matters relating to student conduct, and shall establish and maintain such information required by law.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76210, Education Code; 20 USC Section 1232(g); and 34 CFR Part 99.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54606. Definitions.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76210, Education Code; 20 USC 1232(g); and 45 CFR 99.3.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment of subsection (c) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. New subsection (c)(7) filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
4. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Repealer filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54608. Retention and Destruction of Student Records.

The retention and destruction of student records, where not otherwise specifically provided for in this subchapter, shall be in accordance with subchapter 2.5 (commencing with section 59020) of chapter 10.

NOTE: Authority cited: Sections 70901, 76220 and 76246, Education Code. Reference: Section 72603, Education Code; 20 USC Section 1232(g); and 45 CFR Section 99.3.

HISTORY

1. New section filed 10–8–76; effective thirtieth day thereafter (Register 76, No. 41).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54610. Student Access.

Community college districts shall provide access to student records pursuant to Education Code sections 76210(c) and 76230, provided that if any material or document in the student record includes information on more than one student, the rights provided in section 76230 shall only extend to such information as pertains to the student. Each student shall be permitted to select the means of access to his or her own student records.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Sections 76230, Education Code; 20 USC Section 1232(g); and 34 CFR Part 99.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Repealer of Article 2 heading and Section 54610 and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54612. Waiver.

A student may waive his or her right of access to student records concerning recommendations as provided in Education Code section 76231. Such waivers shall be in writing and signed by the student.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76231, Education Code; 20 USC Section 1232(g); and 45 CFR Section 99.12.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
3. Repealer and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54614. Confidential Maintenance of Records.

HISTORY

1. Repealer of Article 3 heading and Section 54614 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54616. Consent.

A community college district may, when the student has provided consent, permit access to the student's records pursuant to Education Code section 76242. Such consent must be signed and dated by the student.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Sections 76230 and 76242, Education Code; 20 USC Section 1232(g); and 45 CFR Sections 99.30–99.40.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Repealer and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54618. Mandatory Access.

HISTORY

1. Repealer filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).

§ 54620. Court Orders.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54622. Access.

HISTORY

1. Repealer and new section filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54624. Access to Statistical Data.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54626. Directory Information.

(a) Community college districts shall adopt a policy identifying any of the categories of directory information which may be released under Education Code section 76210 or allowed under federal law at 34 C.F.R. section 99.3.

(b) Directory information, as established by the local governing board, may be released provided that public notice is given at least annually in accordance with Education Code section 76240. Such notice shall also specify the period of time within which the student must inform the district in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

(c) Any district may, in its discretion, limit or deny the release of specific categories of directory information based upon a determination of the best interests of students.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Sections 76240 and 76242, Education Code; 20 USC Section 1232(g); and 45 CFR Part 99.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment of subsection (d) filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of subsections (b) and (d) filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
4. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54628. Record of Access.

HISTORY

1. Repealer and new section filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment of subsection (d) filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54630. Challenging Content of Records.

Any student may challenge the content of his or her student records pursuant to Education Code section 76232. The decision of the chief administrative officer and governing board must be in writing.

NOTE: Authority cited: Sections 76220 and 76246, Education Code. Reference: Section 76232, Education Code; 20 USC Section 1232(g); and 45 CFR Sections 99.20–99.22.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of subsections (a) and (b) filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
4. Repealer of Article 4 heading and Section 54630 and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54632. Disciplinary Action.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54640. Transfer of Records.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).

Repealer of Article 5 heading and Section 54640; filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54642. Procedure for Transfer.

HISTORY

1. Repealer filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).

§ 54650. Annual Notice.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment of subsection (a) filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
4. Repealer of Article 6 heading and Section 54650 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54660. Fees.

HISTORY

1. Amendment filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 8–4–78; effective thirtieth day thereafter (Register 78, No. 31).
3. Repealer of Article 7 heading and Section 54660 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 54662. District Regulations.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 7. Health Services

§ 54700. Separate Funds and Accounting Procedures.

All student fees collected for the student health services program shall be deposited in a special fund established for that purpose by the district. All monies in this fund shall be expended only for the purposes for which they were collected.

The recording of income and expenditures shall be in accordance with the uniform system of accounting as prescribed by the California Community Colleges "Budget and Accounting Manual."

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 76355, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Redesignation of chapter 6 (sections 54700–54708, not consecutive) to chapter 7 (sections 54700–54708, not consecutive) filed 3–3–86; effective thirtieth day thereafter (Register 86, No. 10). For history of former chapter 7 (sections 54702–54742, not consecutive), see Registers 83, No. 18 and 79, No. 28.
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 20).
5. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54702. Proper Use of Funds.

The health supervision and services fee which the governing board of a district may require students to pay shall be expended only to cover the direct and indirect costs necessary to provide any, all of, or a portion of the student health programs and services approved by the governing board for offering within the district, which may include the following:

(a) Clinical Care Services

(1) assessment, intervention, and referral for health services

(2) first aid and basic emergency care

(3) health appraisal

(4) communicable disease control

(b) Mental Health Services

(1) crisis management

(2) short–term psychological counseling

(3) alcohol/drug counseling

(4) eating disorders counseling

(5) stress management

(6) suicide prevention

(7) sexual harassment/assault recovery counseling program

(8) mental health assessment

(c) Support Services

A variety of services supporting the clinical and mental health efforts including, but not limited to: maintenance of health records in a confidential and ethical manner, laboratory, radiology, and/or pharmacy services.

(d) Special Services

(1) health education and promotion

(2) teaching and research

(3) student insurance programs

(4) environmental health and safety, including illness and injury prevention programs.

The local district governing board establishing a health supervision and services fee shall decide what scope and level of services will be provided. The board policy will be available to all students.

When the burden of supporting a student health program is shared by all students through a general fee, the programs and services for which the funds are expended must be sufficiently broad to meet health care needs of the general student body. Those programs and services directed at meeting the health care needs of a select few to the exclusion of the general student body shall not be supported through student health fees.

Nothing within these provisions shall prevent an exclusive service to a select group of students or service to the college faculty or staff; however, these services must be supported from sources other than the student fee.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 76355, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18). For prior history, see Register 79, No. 28.
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Amendment of section and NOTE filed 5–23–1997; operative 6–22–1997. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2001, No. 25).

§ 54704. Allowable Charges.

Those identifiable expenses incurred which directly benefit the student health service program, as defined in Section 54708, are allowable charges to the student health fund for the health services authorized by the district governing board pursuant to Section 54702. Where the expense is not exclusively for the student health program, only the prorated portion applicable to the student health service program may be charged against this fund.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 76355, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18). For prior history, see Register 79, No. 28.
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Amendment of section and NOTE filed 5–23–1997; operative 6–22–1997. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2001, No. 25).

§ 54706. Expenses Not Funded.

Student health fees shall not be expended for the following expenses:

(a) Salaries of personnel not directly involved in the delivery of student health services;

(b) Administrative salaries (assistant dean level or its equivalent and above);

(c) Athletic trainers' salaries;

(d) Athletic insurance for the intercollegiate athletic team;

(e) Medical supplies for athletics;

(f) Physical examinations for intercollegiate athletics;

(g) Ambulance services and salaries of health professionals for athletic events;

(h) Any deductible expenses for accident claims filed for athletic team members;

(i) Sabbatical expenses for health service personnel.

Nothing within these provisions should deny a student participating in athletic programs a service which is properly supported by student health fees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 76355, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18). For prior history, see Register 79, No. 28.
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 54708. Fundable Expenses.

Student health fees may be expended for the following costs related to the provision of health services authorized by the governing board pursuant to Section 54702:

(a) Costs incurred in the planning, supervision, and evaluation of student health programs and services;

(b) Administrative salaries (below the level of assistant dean or its equivalent);

(c) Cost of instructional materials for health education;

(d) Consultants directly involved in student health service programs;

(e) Rental and lease of space for the conduct of student health programs and services;

(f) Cost of equipment and medical supplies;

(g) Salaries of student health personnel directly involved in the delivery of student health services (including fringe benefits);

(h) Student health and/or hospitalization insurance;

(i) Travel with student health services funds is limited to student health personnel and only for student health related activities.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 76355, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18). For prior history, see Register 79, No. 28.
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Amendment of section and NOTE filed 5–23–1997; operative 6–22–1997. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2001, No. 25).

§ 54710. Emergency information.

For the protection of a student's health and welfare the governing board of a community college district may require the parent or legal guardian of a minor to keep current at the minor's school of attendance, emergency information including the home address and telephone number, business address, and telephone number of the parents or guardian, and the name, address, and telephone number of a relative or friend who is authorized to care for the student in any emergency situation if the parent or legal guardian cannot be reached.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).

Subchapter 8. Student Organization

Article 1. Student Representation Fee

§ 54801. Calling of Election.

The governing body of each student body association authorized by Education Code section 76060 shall establish procedures for elections conducted for the purpose of collecting a student representation fee, and call an election for such purpose. The election shall, at a minimum, meet the following criteria:

(a) The student body association on each campus shall maintain in its office written information regarding election procedures. Such information shall be made available to the public upon request.

(b) Adequate notice of the election shall be given by the student body association. Adequate notice is deemed to be at least ten school days prior to the election date.

(c) Each election shall be held on a day which counts toward the 175 day requirement as defined in section 58120 of this part. In instances where an election is conducted for more than one day, those days shall be consecutive and shall be limited to a maximum of five days.

NOTE: Authority cited: Section 66700, 70901, and 76060.5, Education Code. Reference: Sections 76060 and 76060.5, Education Code.

HISTORY

1. New section filed 5–12–88; operative 5–12–88 (Register 88, No. 20).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 54803. Termination of Fee.

(a) Any student representation fee that has been instituted pursuant to the procedures enumerated in section 54801 may be terminated by a majority of the students voting in an election called in one of the following two manners:

(1) By placing the issue on the ballot for the next regular associated student body election. The issue shall be placed on the ballot upon receipt of a petition indicating an interest in the termination of the representation fee signed by a majority of the number of students who voted in the election establishing the fee.

(2) Pursuant to procedures pre–established by the student body association for calling such an election. Such procedures shall be available for public inspection during regular business hours.

(b) The elections shall be conducted in accordance with the procedures established pursuant to section 54801.

NOTE: Authority cited: Section 66700, 70901 and 76060.5, Education Code. Reference: Sections 76060 and 76060.5, Education Code.

HISTORY

1. New section filed 5–12–88; operative 5–12–88 (Register 88, No. 20).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 54805. Collection of the Fee.

District governing boards shall include in the materials given to each student at registration, information pertaining to the representation fee. The form used by a college for the purpose of collecting the fee shall contain, at a minimum, the following:

(a) a statement indicating that the money collected pursuant to this article shall be expended to provide support for students or representatives who may be stating their positions and viewpoints before city, county, and district government, and before offices and agencies of the state and federal government;

(b) the amount of the fee;

(c) a statement informing the students of their right to refuse to pay the fee for religious, political, moral or financial reasons.

NOTE: Authority cited: Sections 66700, 70901 and 76060.5, Education Code. References: Sections 76060 and 76060.5, Education Code.

HISTORY

1. New section filed 5–12–88; operative 5–12–88 (Register 88, No. 20).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 54912. Residence Questionnaires.

NOTE: Authority cited: Sections 66700, 68044 and 70901, Education Code. Reference: Sections 68044 and 68062, Education Code.

HISTORY

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

Chapter 6. Curriculum and Instruction

Subchapter 1. Programs, Courses and Classes

Article 1. Program, Course and Class Classification and Standards

§ 55000. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.

(b) "Community Services Offering" means a fee-supported community services class authorized pursuant to Education Code section 78300 and approved pursuant to subdivision (d) of section 55002 for which state apportionment is not claimed and credit is not awarded.

(c) "Content review" means a rigorous, systematic process developed in accordance with sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under section 55510, and that is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through simultaneous enrollment in a corequisite course.

(d) "Contract Course" means a course which a community college district offers under a contract pursuant to Education Code section 78021 with a public or private agency, corporation, association, or other organization.

(e) "Corequisite" means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

(f) "Course" means an organized pattern of instruction on a specified subject offered by a community college pursuant to subdivisions (a), (b) or (c) of section 55002.

(g) "Educational program" is an organized sequence of courses leading to a defined objective, a degree, a certificate, a diploma, a license, or transfer to another institution of higher education.

(h) "Necessary and appropriate" means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

(i) "Noncredit basic skills courses" are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as noncredit courses pursuant to subdivision (c) of section 55002.

(j) "Nondegree-applicable basic skills courses" are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as nondegree-applicable credit courses pursuant to subdivision (b) of section 55002.

(k) "Prerequisite" means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

(*l*) "Satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or P as those symbols are defined in section 55023.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer of chapter 1 (subchapters 1–3, sections 55000–55144, not consecutive) and new chapter 1 (articles 1–2, sections 55000–55180, not consecutive) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Registers 80, No. 11; 77, No. 45; and 71, No. 9.
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Amendment filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55000.5. Handbook; Monitoring and Review of Approved Courses and Programs.

(a) The Chancellor shall prepare, distribute, and maintain a detailed handbook for use by community college districts. The handbook shall contain course approval criteria and procedures for securing course and program approvals.

(b) The Board of Governors hereby adopts and incorporates by reference into this section The California Community Colleges Program and Course Approval Handbook issued March 2003, as it may be revised from time to time, along with any addenda thereto. In the event of a conflict between the provisions of the Handbook and the provisions of this chapter, the provisions of this chapter shall control.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55001. Community College Educational Program. [Repealed]

NOTE: Authority cited: Sections 66700, 70901, and 78401, Education Code. Reference: Sections 66701, 70901, 70902, 78300, and 78401, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 20).
4. Repealer filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55002. Standards and Criteria for Courses.

(a) Degree-Applicable Credit Course. A degree-applicable credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of section 55062, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students.

(1) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course for associate degree credit if it meets the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55023. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problem solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course also requires a minimum of three hours of student work per week, including class time for each unit of credit, prorated for short-term, extended term, laboratory and/or activity courses.

(C) Intensity. The course treats subject matter with a scope and intensity that requires students to study independently outside of class time.

(D) Prerequisites and Corequisites. When the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or corequisites that are established, reviewed, and applied in accordance with the requirements of this article.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of this article, as prerequisites or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

(F) Difficulty. The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level.

(G) Level. The course requires learning skills and a vocabulary that the curriculum committee deems appropriate for a college course.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value the expected number of contact hours for the course as a whole, the prerequisites, corequisites or advisories on recommended preparation (if any) for the course, the catalog description, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Conduct of Course. Each section of the course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with the provisions of section 51002, article 4 (commencing with section 55040) of subchapter 1 of chapter 6, and section 58161.

(b) Nondegree-Applicable Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and is approved by the district governing board.

(1) Types of Courses. Nondegree-applicable credit courses are:

(A) nondegree-applicable basic skills courses as defined in subdivision (j) of section 55000;

(B) courses designed to enable students to succeed in degree-applicable credit courses (including, but not limited to, college orientation and guidance courses, and discipline-specific preparatory courses such as biology, history, or electronics) that integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

(C) precollegiate career technical preparation courses designed to provide foundation skills for students preparing for entry into degree-applicable credit career technical courses or programs;

(D) essential career technical instruction for which meeting the standards of subdivision (a) is neither necessary nor required.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the standards which follow.

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55023. The grade is based on demonstrated proficiency in the subject matter and the ability to demonstrate that proficiency, at least in part, by means of written expression that may include essays, or, in courses where the curriculum committee deems them to be appropriate, by problem solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course requires a minimum of three hours of student work per week, per unit, including class time and/or demonstrated competency, for each unit of credit, prorated for short-term, extended term, laboratory, and/or activity courses.

(C) Intensity. The course provides instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students successfully completing each such course, or sequence of required courses, will have acquired the skills necessary to successfully complete degree-applicable work.

(D) Prerequisites and corequisites. When the college and/or district curriculum committee deems appropriate, the course may require prerequisites or corequisites for the course that are established, reviewed, and applied in accordance with this article.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, the expected number of contact hours for the course as a whole, the prerequisites, corequisites or advisories on recommended preparation (if any) for the course, the catalog description, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students. Taken together, these course specifications shall be such as to typically enable any student who successfully completes all of the assigned work prescribed in the outline of record to successfully meet the course objectives.

(4) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with the provisions of section 51002, article 4 (commencing with section 55040) of subchapter 1 of chapter 6, and section 58161.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement that the committee deems appropriate for the enrolled students. In order to be eligible for state apportionment, such courses must be approved by the Chancellor pursuant to article 2 (commencing with section 55150) of subchapter 2 of this chapter and satisfy the requirements of section 58160 and other applicable provisions of chapter 9 (commencing with section 58000) of this division.

(2) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the number of contact hours normally required for a student to com-

plete the course, the catalog description, the objectives, contents in terms of a specific body of knowledge, instructional methodology, examples of assignments and/or activities, and methods of evaluation for determining whether the stated objectives have been met.

(3) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with the set of objectives and other specifications defined in the course outline of record.

(4) Repetition. Repeated enrollment is allowed only in accordance with provisions of section 58161.

(d) Community Services Offering. A community services offering must meet the following minimum requirements:

(1) is approved by the district governing board;

(2) is designed for the physical, mental, moral, economic, or civic development of persons enrolled therein;

(3) provides subject matter content, resource materials, and teaching methods which the district governing board deems appropriate for the enrolled students;

(4) is conducted in accordance with a predetermined strategy or plan;

(5) is open to all members of the community willing to pay fees to cover the cost of the offering; and

(6) may not be claimed for apportionment purposes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of subsection (a) filed 12–28–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
2. Amendment filed 5–18–84; effective thirtieth day thereafter (Register 84, No. 20).
3. Repealer and new section filed 10–7–88; operative 11–6–88 (Register 88, No. 42).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
6. Amendment filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
7. Editorial correction of HISTORY 4 (Register 95, No. 20).
8. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
9. Amendment of subsection (c)(1) filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 8).
10. Amendment of section heading and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
11. Amendment of subsections (a)(5) and (b)(5) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55002.5. Credit Hour.

(a) One credit hour of community college work (one unit of credit) requires a minimum of 48 hours of lecture, study, or laboratory work at colleges operating on the semester system or 33 hours of lecture, study or laboratory work at colleges operating on the quarter system.

(b) A course requiring 96 hours or more of lecture, study or laboratory work at colleges operating on the semester system or 66 hours or more of lecture, study, or laboratory work at colleges operating on the quarter system shall provide at least 2 units of credit.

(c) The amount of credit awarded shall be adjusted in proportion to the number of hours of lecture, study or laboratory work in half unit increments.

(d) A district may elect to adjust the amount of credit awarded in proportion to the number of hours of lecture, study or laboratory work in increments of less than one half unit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Amendment of subsection (a) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55003. Policies for Prerequisites, Corequisites and Advisories on Recommended Preparation.

(a) The governing board of a community college district may establish prerequisites, corequisites, and advisories on recommended preparation, but must do so in accordance with the provisions of this article. Nothing in this subchapter shall be construed to require a district to establish prerequisites, corequisites, or advisories on recommended preparation; provided however, that a prerequisite or corequisite shall be required if the course is to be offered for associate degree credit and the curriculum committee finds that the prerequisite or corequisite is necessary pursuant to sections 55002(a)(2)(D) or 55002(a)(2)(E).

(b) A governing board choosing to establish prerequisites, corequisites, or advisories on recommended preparation shall, in accordance with the provisions of sections 53200–53204, adopt policies for the following:

(1) The process for establishing prerequisites, corequisites, and advisories on recommended preparation. Such policies shall provide that in order to establish a prerequisite or corequisite, the prerequisite or corequisite must be determined to be necessary and appropriate for achieving the purpose for which it is being established. District policies shall also specify the level of scrutiny that shall be required in order to establish different types of prerequisites, corequisites, and advisories on recommended preparation. At a minimum, prerequisites, corequisites, and advisories on recommended preparation shall be based on content review, with additional methods of scrutiny being applied depending on the type of prerequisite or corequisite being established. The policy shall provide that the types of prerequisites described in subdivision (e) may be established only on the basis of data collected using sound research practices. Determinations about prerequisites and corequisites shall be made on a course–by–course or program–by–program basis.

(2) Procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline of record, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite.

(3) The process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. These processes shall provide that at least once each six years all prerequisites and corequisites established by the district shall be reviewed, except that prerequisites and corequisites for vocational courses or programs shall be reviewed every two years. These processes shall also provide for the periodic review of advisories on recommended preparation.

(4) The bases and process for an individual student to challenge the application of a prerequisite or corequisite.

(c) Prerequisites or corequisites may be established only for any of the following purposes:

(1) the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation; or

(2) the prerequisite will assure, consistent with section 55002, that a student has the skills, concepts, and/or information that is presupposed in terms of the course or program for which it is being established, such that a student who has not met the prerequisite is highly unlikely to receive a satisfactory grade in the course (or at least one course within the program) for which the prerequisite is being established; or

(3) the corequisite course will assure, consistent with section 55002, that a student acquires the necessary skills, concepts, and/or information, such that a student who has not enrolled in the corequisite is highly unlikely to receive a satisfactory grade in the course or program for which the corequisite is being established; or

(4) the prerequisite or corequisite is necessary to protect the health or safety of a student or the health or safety of others.

(d) Except as provided in this subdivision, no prerequisite or corequisite may be established or renewed pursuant to subdivision (b)(3) unless it is determined to be necessary and appropriate to achieve the purpose for which it has been established. A prerequisite or corequisite need not be so scrutinized until it is reviewed pursuant to subdivision (b) (3) if:

(1) it is required by statute or regulation; or

(2) it is part of a closely-related lecture-laboratory course pairing within a discipline; or

(3) it is required by four-year institutions.

(e) A course in communication or computation skills may be established as a prerequisite or corequisite for any course other than another course in communication or computation skills only if, in addition to conducting a content review, the district gathers data according to sound research practices and shows that a student is highly unlikely to succeed in the course unless the student has met the proposed prerequisite or corequisite. If the curriculum committee initially determines, pursuant to section 55002(a)(2)(E), that a new course needs to have a communication or computation skill prerequisite or corequisite, then, despite subdivision (d) of this section, the prerequisite or corequisite may be established for a single period of not more than two years while the research is being conducted and the final determination is being made, provided that all other requirements for establishing the prerequisite or corequisite have been met. The requirements of this subdivision related to collection of data shall not apply when:

(1) baccalaureate institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or

(2) the prerequisite or corequisite is required for enrollment in a program, that program is subject to approval by a state agency other than the Chancellor's Office and both of the following conditions are satisfied:

(A) colleges in at least six different districts have previously satisfied the data collection requirements of this subdivision with respect to the same prerequisite or corequisite for the same program; and

(B) the district establishing the prerequisite or corequisite conducts an evaluation to determine whether the prerequisite or corequisite has a disproportionate impact on particular groups of students described in terms of race, ethnicity, gender, age or disability, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact.

(f) Prerequisites, corequisites, and advisories on recommended preparation must be identified in college publications available to students as well as the course outline of any course for which they are established.

(g) Prerequisites establishing communication or computational skill requirements may not be established across the entire curriculum unless established on a course-by-course basis.

(h) The determination of whether a student meets a prerequisite shall be based on successful completion of an appropriate course or on an assessment using multiple measures. Any assessment instrument shall be selected and used in accordance with the provisions of subchapter 6 (commencing with Section 55500) of this chapter.

(i) If a prerequisite requires precollegiate skills in reading, written expression, or mathematics, the governing board of a district shall ensure that nondegree-applicable basic skills courses designed to teach the required skills are offered with reasonable frequency and that the number of sections available is reasonable given the number of students who are required to meet the associated skills prerequisites and who diligently seek enrollment in the prerequisite course.

(j) Whenever a corequisite course is established, sufficient sections shall be offered to reasonably accommodate all students who are required to take the corequisite. A corequisite shall be waived as to any student for whom space in the corequisite course is not available.

(k) No exit test may be required to satisfy a prerequisite or corequisite unless it is incorporated into the grading for the prerequisite or corequisite course.

(l) The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course requiring the prerequisite, provided, however, that enrollment may be permitted pending verification that the student has met the prerequisite or corequisite. If the verification shows that the student has failed to meet the prerequisite, the student may be involuntarily dropped from the course if the applicable enrollment fees are promptly refunded.

Otherwise a student may only be involuntarily removed from a course due to excessive absences or as a result of disciplinary action taken pursuant to law or to the student code of conduct.

(m) Any prerequisite or corequisite may be challenged by a student on one or more of the grounds listed below. The student shall bear the initial burden of showing that grounds exist for the challenge. Challenges shall be resolved in a timely manner and, if the challenge is upheld, the student shall be permitted to enroll in the course or program in question. Grounds for challenge are:

(1) The prerequisite or corequisite has not been established in accordance with the district's process for establishing prerequisites and corequisites;

(2) The prerequisite or corequisite is in violation of this section;

(3) The prerequisite or corequisite is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(4) The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or corequisite;

(5) The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or corequisite course has not been made reasonably available; or

(6) Such other grounds for challenge as may be established by the district governing board.

(n) In the case of a challenge under subdivision (m)(3) of this section, the district shall promptly advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division. If the student elects to proceed with the challenge, completion of the challenge procedure shall be deemed to constitute an informal complaint pursuant to section 59327.

(o) District policies adopted pursuant to this section shall be submitted to the Chancellor as part of the district's matriculation plan pursuant to section 55510.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55004. Social Science Courses. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55005. Publication of Course Standards.

For each course offered, a community college shall make available to students through college publications all of the following facts before they enroll in the course:

(a) The designation of the course as a degree-applicable credit course, a nondegree-applicable credit course, a noncredit course, or a community services offering.

(b) Whether the course is transferable to baccalaureate institutions.

(c) Whether the course fulfills a major/area of emphasis or general education requirement.

(d) Whether the course is offered on the "pass–no pass" basis.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Change without regulatory effect amending subsections (b) and (d) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55006. Records and Reports.

Each community college shall keep and submit such records and reports concerning its courses and offerings as may be required by the Chancellor to fulfill statutory responsibilities.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78401, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55007. Multiple and Overlapping Enrollments.

(a) A community college district may not permit a student to enroll in two or more sections of the same credit course during the same term unless the length of the course is such that a student may enroll in two or more sections of the same course during the same term without being enrolled in more than one section at any given time. Students needing additional instruction in the subject matter while enrolled in a course may be referred for individualized tutoring pursuant to section 58170 or supplemental learning assistance pursuant to sections 58172 and 58164.

(b) A district may not permit a student to enroll in two or more courses where the meeting times for the courses overlap, unless the district has established and incorporated into its attendance accounting procedures adopted pursuant to section 58030 a mechanism for ensuring that the following requirements are satisfied:

(1) the student provides a sound justification, other than mere scheduling convenience, of the need for the overlapping schedule;

(2) an appropriate district official approves the schedule;

(3) the college maintains documentation describing the justification for the overlapping schedule and showing that the student made up the hours of overlap in the course partially or wholly not attended as scheduled at some other time during the same week under the supervision of the instructor of the course.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55008. Appointment of Vocational Education Advisory Committee by School District Participating in Vocational Education Program. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in second paragraph (Register 91, No.43).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 20).

Article 2. Grading and Academic Record Symbols

§ 55020. Regulations.

The governing board of each community college district shall adopt regulations consistent with this article. The regulations shall be published in the college catalog under appropriate headings and filed with the Chancellor's Office as required by section 51002.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New article 2 (sections 55020–55025) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55021. Grading Policies.

(a) The governing board of each community college district shall establish a uniform grading policy for all colleges within the district. The policy shall be based on sound academic principles and be consistent with the requirements of this chapter.

(b) The grading policy shall require that all work in all degree–applicable and nondegree–applicable credit courses shall be graded in accordance with a grading system adopted by the governing board consistent with section 55023.

(c) The grading policy may provide for award of grades in noncredit courses, including courses which are part of a high school diploma program or may be accepted for high school credit by a high school.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55022. Pass–No Pass Options.

(a) The policy adopted pursuant to section 55021 may permit courses to be offered in either or both of the following categories and, if so, shall require that each college catalog specify the category into which each course falls:

(1) Courses wherein all students are evaluated on a "pass–no pass" basis.

(2) Courses wherein each student may elect on registration, or no later than the end of the first 30 percent of the term, whether the basis of evaluation is to be "pass–no pass" or a letter grade.

(b) All units of credit earned on a "pass–no pass" or "credit–no credit" basis in accredited California institutions of higher education or equivalent out–of–state institutions shall be counted in satisfaction of community college curriculum requirements.

(c) Units earned on a "pass–no pass" basis shall not be used to calculate grade point averages. However, units attempted for which the symbol "NP" (as defined in section 55023) is recorded shall be considered in probation and dismissal procedures.

(d) Notwithstanding any provision of this chapter, a district may continue to designate courses as being offered on a "credit–no credit basis" instead of a "pass–no pass" basis and may continue to use the "CR" and "NC" symbols, as defined in section 55030, instead of the "P" and "NP" symbols until the Fall 2009 term. Until the Fall 2009 term, any reference in this chapter to the "P" symbol shall be deemed to include the "CR" symbol and any reference to the "NP" symbol shall be deemed to include the "NC" symbol.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55023. Academic Record Symbols and Grade Point Average.

(a) Except as provided in subdivisions (b) and (c), grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols:

Symbol	*Definition*	*Grade Point*
A	Excellent	4
B	Good	3
C	Satisfactory	2
D	Less than satisfactory	1
F	Failing	0
P	Passing (At least satisfactory – units awarded not counted in GPA. Has the same meaning as "CR" as that symbol was defined prior to June 30, 2007.)	
NP	No Pass (Less than satisfactory, or failing – units not counted in GPA. NP has the same meaning as "NC" as that symbol was defined prior to June 30, 2007.)	

(b) The governing board of a community college district may use "plus" and "minus" designations in combination with letter grades, except that the grade of C minus shall not be used. If pluses and minuses are used, the grade point value of a plus shall be computed by adding 0.3 to the value assigned to the letter grade with which it is combined, and the grade point value of a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade with which it is combined, except that no grade point value shall be less than 0 or greater than 4.0.

(c) Regardless of whether the governing board elects to use plus and minus grading, it may provide for the use of the "FW" grade symbol to indicate that a student has both ceased participating in a course some time after the last day to officially withdraw from the course without having achieved a final passing grade, and that the student has not received district authorization to withdraw from the course under extenuating circumstances. The "FW" symbol may not be used if a student has qualified for and been granted military withdrawal. If "FW" is used, its grade point value shall be zero (0).

(d) The governing board of each community college district shall publish the point equivalencies for the grades used in subdivision (a), or, subdivisions (a) and (b) (if pluses and minuses are used) in the catalog or catalogs of each college in the district as a part of its grading policies. In the event the governing board chooses to use the "FW" described in subdivision (c), it shall be included in the grading system and point equivalencies published in the catalog.

(e) The governing board of each community college district may authorize the use, under controls and conditions specified below, of only the following nonevaluative symbols:

Symbol	*Definition*
I	Incomplete: Incomplete academic work for unforeseeable, emergency and justifiable reasons at the end of the term may result in an "I" symbol being entered in the student's record. The condition for the removal of the "I" shall be stated by the instructor in a written record. This record shall contain the conditions for the removal of the "I" and the grade assigned in lieu of its removal. This record must be given to the student with a copy on file with the registrar until the "I" is made up or the time limit has passed. A final grade shall be assigned when the work stipulated has been completed and evaluated, or when the time limit for completing the work has passed. The "I" may be made up no later than one year following the end of the term in which it was assigned. The "I" symbol shall not be used in calculating units attempted nor for grade points. The governing board shall provide a process whereby a student may petition for a time extension due to unusual circumstances.
IP	In progress: The "IP" symbol shall be used only in those courses which extend beyond the normal end of an academic term. It indicates that work is "in progress," but that assignment of an evaluative symbol (grade) must await its completion. The "IP" symbol shall remain on the student's permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student's permanent record for the term in which the course is completed. The "IP"shall not be used in calculating grade point averages. If a student enrolled in an "open–entry, open–exit" course is assigned an "IP" at the end of a term and does not re–enroll in that course during the subsequent term, the appropriate faculty will assign an evaluative symbol (grade) in accordance with subdivision (a) or (a) and (b) if plus and minus grading is used) to be recorded on the student's permanent record for the course.
RD	Report Delayed: The "RD" symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. "RD" shall not be used in calculating grade point averages.
W	Withdrawal: The "W" symbol may be used to denote withdrawal in accordance with the requirements of section 55024.
MW	Military Withdrawal: The "MW" symbol may be used to denote military withdrawal in accordance with section 55024.

(f) In calculating students' degree–applicable grade point averages, grades earned in nondegree–applicable credit courses shall not be included.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55024. Withdrawal.

(a) The governing board of a district which decides to provide a withdrawal procedure shall adopt a policy which provides for withdrawal from credit courses consistent with the following:

(1) Withdrawal from a course or courses shall be authorized through the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less). The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30 percent of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less). The academic record of a student who remains in a course beyond the time allowed by district policy must reflect a symbol as authorized in section 55023 other than a "W."

(2) The governing board may by regulation authorize withdrawal from a course or courses in extenuating circumstances after the last day of the fourteenth week (or 75 percent of the term, whichever is less) upon petition of the student or his or her representative and after consultation with

the appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.

(3) No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30 percent of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30 percent of a term, during which no notation shall be made.

(4) Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less) shall be authorized after informing the appropriate faculty.

(5) Withdrawal after the end of the fourteenth week (or 75 percent of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W."

(6) For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course section in question or, in the event the instructor cannot be contacted, the department chair or appropriate administrator.

(7) The "W" shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal pursuant to article 3 of this subchapter.

(8) A "W" shall not be assigned, or if assigned shall be removed, from a student's academic record, if a determination is made pursuant to sections 59300 et seq. that the student withdrew from the course due to discriminatory treatment or due to retaliation for alleging discriminatory treatment or that the student withdrew because he or she reasonably believed that remaining in the course would subject him or her to discriminatory treatment or retaliation for alleging discriminatory treatment.

(9) Effective July 1, 2009, the district policy shall establish the number of times (not to exceed four times) that a student may withdraw and receive a "W" symbol on his or her record for enrollment in the same course. The district policy may permit a student to enroll again in a course after having previously received the authorized number of "W" symbols in the same course in colleges within the district, but in that case, the district policy shall provide that the student will receive a grade or, where applicable, have a nonevaluative symbol other than a "W" (as defined in section 55023) recorded on his or her academic record unless:

(A) the student withdraws from the course prior to the end of the fourth week of instruction or 30 percent of the term, whichever is less, or such shorter period as established by the district pursuant to subdivision (3); or

(B)(i) the district policy permits additional withdrawals for which apportionment may not be available pursuant to section 58161.5; and

(ii) the chief instructional officer, chief student services officer or other district official designated in the district policy approves such a withdrawal after review of a petition filed by the student which demonstrates that there are extenuating circumstances, as defined in subdivision (2), which justify an additional withdrawal.

(10) The district policy may provide that a "W" symbol will not be assigned to any student who withdrew from one or more classes, where such withdrawal was necessary due to fire, flood or other extraordinary conditions and the withdrawal is authorized by the district pursuant to section 58509.

(b) Within the parameters set forth in subdivision (a), criteria for withdrawal and the procedures to accomplish it shall be established by the district governing board and published in college catalogs.

(c) A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.

(d) The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following:

(1) "Military Withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned may be a "W" or, if necessary to distinguish military withdrawals, may be a "MW."

(2) Military withdrawals shall not be counted in progress probation and dismissal calculations.

(3) In no case may a military withdrawal result in a student being assigned an "FW" grade.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment of subsections (a)–(a)(1) and new subsections (a)–(a)(10) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55025. Grade Changes.

(a) In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with this article. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency.

(b) For purposes of this section, "mistake" may include, but is not limited to, clerical errors and errors made by an instructor in calculating a student's grade.

(c) Procedures for the correction of grades shall be consistent with Education Code section 76232 or provide an alternative mechanism which will ensure that students receive a reasonable and objective review of the requested grade change. If the procedure requires the student to first request a grade change from the instructor, provisions shall be made for another faculty member to substitute for the instructor if the instructor is not available, the student has filed a discrimination complaint or the district determines that it is possible there has been gross misconduct by the original instructor.

(d) Procedures shall also include expunging the incorrect grade from the record.

(e) When grade changes are made as a result of course repetition in accordance with article 4 of this subchapter, appropriate annotations of any courses repeated shall be entered on the student's permanent academic record in such a manner that all work remains legible, insuring a true and complete academic history.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 76224, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 3. Probation and Dismissal

§ 55030. Definitions.

For the purposes of this chapter, the following terms shall have the specified meanings:

(a) "All units attempted" means all units of credit for which the student is enrolled in the current community college of attendance. The governing board of each district shall adopt rules and regulations governing the inclusion or exclusion of units in which a student did not receive a grade or "pass–no pass" or from which the student withdrew in accordance with rules adopted by the district governing board.

(b) "CR" means "credit" and is a symbol used to denote that a student received credit for at least satisfactory work in a course taken on a "credit–no credit basis" prior to the Fall 2009 term.

(c) "NC" means "no credit" and is a symbol used to denote that a student did not receive credit for a course taken on a "credit–no credit basis" prior to the Fall 2009 term.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New article 3 (sections 55030–55035) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55031. Standards for Probation.

(a) Academic probation. A student who has attempted at least 12 semester or 18 quarter units as shown by the official academic record shall be placed on academic probation if the student has earned a grade point average below 2.0 in all units which were graded on the basis of the grading system described in section 55023.

(b) Progress probation. A student who has enrolled in a total of at least 12 semester or 18 quarter units as shown by the official academic record shall be placed on progress probation when the percentage of all units in which a student has enrolled and for which entries of "W," "I," "NP" and "NC" (as defined in sections 55023 and 55030) are recorded reaches or exceeds fifty percent (50 percent).

(c) The governing board of a community college district may adopt standards for probation not lower than those standards specified in subdivisions (a) and (b) of this section. Specifically:

(1) A district may establish, as the minimum number of units before academic or progress probation is assessed, a number of units fewer than 12 semester or 18 quarter units; or

(2) A district may establish, as the minimum grade point average for academic probation purposes, a grade point average greater than 2.0; or

(3) A district may establish, as the minimum percentage of units of "W," "I," "NP," and "NC," a percentage less than fifty percent (50%).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55032. Removal from Probation.

(a) A student on academic probation for a grade point deficiency shall be removed from probation when the student's accumulated grade point average is 2.0 or higher.

(b) A student on progress probation because of an excess of units for which entries of "W," "I," "NP" and "NC" (as defined in section 55023 and 55030) are recorded shall be removed from probation when the percentage of units in this category drops below fifty percent (50%).

(c) The governing board of a district shall adopt and publish procedures and conditions for probation and appeal of probation and request for removal from probation. Such procedures and conditions may establish standards not lower than those standards specified in subdivisions (a) and (b) of this section. Specifically:

(1) A district may establish, as a minimum grade point average for removal from academic probation, a grade point average greater than 2.0; or

(2) A district may establish, as the minimum percentage of units of "W," "I," "NP," and "NC," a percentage less than fifty percent (50%) for removal from probation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55033. Standards for Dismissal.

For purposes of this section, semesters or quarters shall be considered consecutive on the basis of the student's enrollment, so long as the break in the student's enrollment does not exceed one full primary term.

(a) A student who is on academic probation shall be subject to dismissal if the student earned a cumulative grade point average of less than 1.75 in all units attempted in each of 3 consecutive semesters (5 consecutive quarters) which were graded on the basis of the grading system described in section 55023.

(b) A student who has been placed on progress probation shall be subject to dismissal if the percentage of units in which the student has been enrolled for which entries of "W," "I," "NP" and "NC" (as defined in section 55023 and 55030) are recorded in at least 3 consecutive semesters (5 consecutive quarters) reaches or exceeds fifty percent (50%) in accordance with section 55031.

(c) The governing board of a district shall adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. Such procedures and conditions may establish standards not lower than the standards specified in subdivisions (a) and (b) of this section. Specifically:

(1) A district may establish, as the minimum cumulative grade point average for dismissal purposes, a grade point average greater than 1.75; or

(2) A district may establish, as the minimum percentage of units of "W," "I," "NP" and "NC," a percentage less than fifty percent (50%), or

(3) A district may establish, as a minimum number of consecutive semesters or quarters, a number fewer than 3 consecutive semesters or 5 consecutive quarters.

(d) The district board shall adopt rules setting forth the circumstances that shall warrant exceptions to the standards for dismissal herein set forth.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55034. Notification of Probation and Dismissal.

Each community college shall make reasonable efforts to notify a student subject to academic probation or dismissal at or near the beginning of the semester or quarter in which it will take effect but, in any case, no later than the start of the fall semester or quarter. Each community college shall also make a reasonable effort to provide counseling and other support services to a student on probation to help the student overcome any academic difficulties. Each community college shall make reasonable efforts to notify a student of removal from probation or reinstatement after dismissal within timelines established by the district. Probation and dismissal policies and procedures shall be published in the college catalog.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55035. Remedial Coursework Limit.

(a) A student's need for remedial coursework shall be determined using appropriate assessment instruments, methods, or procedures administered pursuant to subchapter 6 (commencing with section 55500) of this chapter. However, except as provided in subdivision (c) of this section, no student shall receive more than 30 semester units (or 45 quarter units) of credit for remedial coursework. Students having exhausted the unit limitation shall be referred for further remedial work to appropriate adult noncredit education services provided by a college, adult school, community–based organization, or other appropriate local provider.

(b) For the purposes of this section, "remedial coursework" refers to nondegree–applicable basic skills courses as defined in subdivision (j) of section 55000.

(c) The following students are exempted from the limitation on remedial coursework described in subdivision (a) of this section:

(1) Students enrolled in one or more courses of English as a Second Language (ESL);

(2) Students identified by the district as having a learning disability as defined in section 56036.

(d) The governing board of a district may provide a waiver of the limitation on remedial coursework with respect to any student who shows significant, measurable progress toward the development of skills appropriate to his or her enrollment in degree-applicable credit courses. Such waivers, if granted, shall be provided pursuant to locally developed standards which are reviewed and approved by the governing board. The standards shall include provisions which ensure that waivers are only given for specified periods of time or for specified numbers of units.

(e) A student who does not attain full eligibility status for degree-applicable credit courses within the limit described in subdivision (a) of this section shall, unless provided with a waiver, be restricted to taking only noncredit courses, nondegree-applicable courses which do not involve remediation, and those degree-applicable credit courses which do not have basic skills prerequisites or advisories on recommended preparation.

(f) A student may, upon successful completion of appropriate "remedial coursework," or upon demonstration of skills levels which will reasonably assure success in degree-applicable credit courses, request reinstatement to proceed with such coursework.

(g) The governing board of each district shall submit, through the established Management Information System, information necessary to enable the Chancellor to determine the following:

(1) The effect of this section on students by sex, age, and ethnicity;

(2) Success rates for students enrolled in "remedial coursework;"

(3) Attrition rates for students enrolled in "remedial coursework;"

(4) Rates at which students are referred to and enroll in adult noncredit instruction;

(5) Rates at which students who are referred to adult noncredit instruction subsequently enroll in degree-applicable credit courses;

(6) Term-to-term persistence rates for students;

(7) Rates at which students enter employment immediately after completing remedial coursework;

(8) The extent to which students are exempted from the limitation specified in subdivision (b);

(9) The extent to which students receive waivers, as authorized by subdivision (d); and

(10) The rate at which students are dismissed as described in subdivision (e).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 84500, Education Code; and Statutes of 1988, Chapter 973, Section 68.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 4. Course Repetition and Academic Renewal

§ 55040. District Policy for Course Repetition.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to the repetition of credit courses. Such policies and procedures shall not conflict with section 55025 or Education Code section 76224, pertaining to the finality of grades assigned by instructors, or with chapter 2.5 (commencing with section 59020) of division 10 of this part, pertaining to the retention and destruction of student records.

(b) For purposes of course repetition, academic renewal, and all other related provisions in this division, the following terms shall have the meanings specified below:

(1) "Course repetition" occurs when a student who has previously received a grade as defined in section 55023, in a particular course re-enrolls in that course.

(2) "Substandard academic work" means course work for which the grading symbols "D," "F," "FW," "NP" or "NC" (as defined in section 55023 and 55030) have been recorded.

(c) The policies and procedures adopted pursuant to subdivision (a) may:

(1) designate certain types of courses as "repeatable courses" consistent with the requirements of section 55041;

(2) allow a student to repeat a course which is not designated as a repeatable course in an effort to alleviate substandard academic work consistent with the requirements of section 55042;

(3) permit or require a student to repeat a course due to significant lapse of time consistent with the requirements of section 55043;

(4) permit a student to repeat a portion of a variable unit open-entry/open-exit course which the student previously completed only under the circumstances described in section 55044;

(5) permit a student to repeat a course which is not designated as a repeatable course, regardless of whether or not substandard academic work was previously recorded, where the district determines, consistent with section 55045, that there are extenuating circumstances which justify the repetition;

(6) permit a student to repeat a course in occupational work experience under the circumstances described in section 55253. When an occupational work experience course is repeated pursuant to that section, the grade received each time shall be included for purposes of calculating the student's grade point average.

(7) permit a student with a disability to repeat a special class for students with disabilities any number of times based on an individualized determination that such repetition is required as a disability-related accommodation for that particular student for one of the reasons specified in section 56029. The district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time the course is repeated.

(d) When course repetition occurs pursuant to this section, the student's permanent academic record shall clearly indicate any courses repeated using an appropriate symbol and be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New article 4 (sections 55040-55043) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

2. Amendment filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55041. Repeatable Courses.

(a) The district policy and procedures on course repetition adopted pursuant to section 55040 may designate as repeatable courses only those courses described in this section.

(b) If a district permits repetition of courses regardless of whether substandard academic work has been recorded, repetition shall be permitted, without petition, in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. Such courses must conform to all attendance accounting, course approval, and other requirements imposed by applicable provisions of law. Such courses may be repeated for credit any number of times. The governing board of a district may establish policies and procedures requiring students to certify or document that course repetition is necessary to complete legally mandated training pursuant to this subdivision.

(c) The district policy adopted pursuant to section 55040 may also designate courses of the types described in this subdivision as repeatable courses, subject to the following conditions:

(1) The district must identify the courses which are to be repeatable, and designate such courses in its catalog.

(2) The district must determine and certify that each identified course is one in which either:

(A) the course content differs each time it is offered; or

(B) the course is an activity course where the student meets course objectives by repeating a similar primary educational activity and the student gains an expanded educational experience each time the course is repeated for one of the following reasons:

(i) Skills or proficiencies are enhanced by supervised repetition and practice within class periods; or

(ii) Active participatory experience in individual study or group assignments is the basic means by which learning objectives are obtained.

(3) Activity courses which may qualify as repeatable courses meeting the requirements of paragraph (2)(B) of this subdivision include, but are not limited to the following:

(A) Physical education courses; or

(B) Visual or performing arts courses in music, fine arts, theater or dance.

(4) foreign language courses, ESL courses and nondegree-applicable basic skills courses are not considered "activity courses" for purposes of paragraph (2)(B of this subdivision).

(5) The district must develop and implement a mechanism for the proper monitoring of such repetition.

(6) Students may repeat a course pursuant to this subdivision for not more than three semesters or five quarters. For purposes of this subdivision, semesters or quarters include summer or intersessions.

(7)(A) Except as provided in subparagraph (B) of this paragraph, where a college establishes several levels of courses which consist of similar educational activities, the repetition limitation in paragraph (6) of this subdivision applies to all levels of courses that involve a similar primary educational activity regardless of whether the repetitions reflect multiple enrollments in a single course or in multiple courses involving the same primary activity.

(B) Visual or performing arts courses in music, fine arts, theater or dance which are part of a sequence of transfer courses are not subject to subparagraph (A) of this paragraph.

(d) When a course is repeated pursuant to this section, the grade received each time shall be included for purposes of calculating the student's grade point average.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment of section heading and section filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55042. Course Repetition to Alleviate Substandard Academic Work.

(a) The district policies and procedures on course repetition adopted pursuant to section 55040 may permit a student to repeat a course which is not designated as a repeatable course pursuant to section 55041 in an effort to alleviate substandard academic work. If a student repeats the course and receives a satisfactory grade, then he or she may not repeat the course again pursuant to this section and any further repetition of the course must be authorized by another provision of this division. If a student repeats the course and receives another substandard grade, the district policy may permit the student to repeat the course one additional time in an effort to alleviate substandard work. Under no circumstances may a student repeat a course more than two times pursuant to this section.

(b) Policies and procedures related to course repetition to alleviate substandard academic work shall:

(1) permit repetition of any course which was taken in an accredited college or university and for which substandard academic work is recorded;

(2) indicate any specific courses or categories of courses where repetition pursuant to this section is not permitted; and

(3) in determining transfer of a student's credits, honor similar, prior course repetition actions by other accredited colleges and universities.

(c) The district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time a course is repeated pursuant to this section.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Repealer and new section filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55043. Course Repetition Due to Significant Lapse of Time.

(a) In addition to permitting course repetition in the circumstances described in other provisions of this article, a district may also permit or require repetition of a course where the student received a satisfactory grade the last time he or she took the course but the district determines that there has been a significant lapse of time since that grade was obtained and:

(1) the district has properly established a recency prerequisite for a course or program pursuant to section 55003 or has otherwise defined "significant lapse of time" in its policy on course repetition; or

(2) another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question.

(b) If the district determines that a student needs to repeat an activity course of the type described in subdivision (c)(2)(B) of section 55041 due to significant lapse of time, that repetition shall be counted in applying the limit on repetitions set forth in subdivision (c)(6) of section 55041 except that, if the student has already exhausted the number of repetitions permitted under subdivision (c)(6), an additional repetition due to significant lapse of time may be permitted or required by the district.

(c) When a course is repeated pursuant to this section, the district policy may allow the previous grade and credit to be disregarded in computing the student's GPA.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Repealer and new section filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55044. Repetition of Variable Unit Courses.

(a) If a community college district offers credit courses for variable units on an open-entry/ open-exit basis pursuant to section 58164, the district policies and procedures on course repetition adopted pursuant to section 55040 shall provide that a student may enroll in the course as many times as necessary to complete one time the entire curriculum of the course as described in the course outline of record. However, the district policy may not permit the student to repeat any portion of the curriculum for the course, unless:

(1) the course is required for legally mandated training;

(2) the course is a special class for students with disabilities which the student needs to repeat for one of the reasons described in section 56029;

(3) repetition of the course to retake a portion of the curriculum is justified by extenuating circumstances pursuant to section 55045; or

(4) the student wishes to repeat the course to alleviate substandard work recorded for a portion of the curriculum as authorized pursuant to section 55042.

(b) Notwithstanding subdivision (a), each time a student enrolls in a physical education activity course offered on an open entry/open exit basis, regardless of the number of units for which the student enrolls, the enrollment shall count as a repetition of the course for purposes of sections 55041 and 58161.

(c) When course repetition of a portion of a course is permitted under the circumstances described in subdivision (a), the district policy may al-

low the previous grade and credit to be disregarded in computing the student's GPA.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Repealer and new section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55045. Course Repetition Due to Extenuating Circumstances.

The district policies and procedures on course repetition adopted pursuant to section 55040 may permit a student to repeat a course only if:

(a) the repetition is expressly authorized by another provision of this article; or

(b) the student files a petition and the governing board of the district or its designee grants written approval of the petition based on a finding that the student's previous grade (whether substandard or passing) was, at least in part, the result of extenuating circumstances. Extenuating circumstances are verified cases of accidents, illness, or other circumstances beyond the control of the student. When course repetition is approved pursuant to this subdivision, the district policy may allow the previous grade and credit to be disregarded in computing the student's GPA each time the course is repeated.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55046. Academic Renewal Without Course Repetition.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to the alleviation of previously recorded substandard academic work, as defined in section 55040, which is not reflective of a student's demonstrated ability. Such policies and procedures shall include a clear statement of the educational principles upon which they are based, and shall be referred to as academic renewal procedures. When academic renewal procedures adopted by the district permit previously recorded, substandard course work to be disregarded in the computation of grade point averages, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

(b) Policies and procedures adopted pursuant to subdivision (a) shall not conflict with:

(1) section 55025 of this subchapter and Education Code section 76224, pertaining to the finality of grades assigned by instructors; or

(2) chapter 2.5 (commencing with section 59020) of division 10 of this part pertaining to the retention and destruction of records.

(c) The policies and procedures adopted pursuant to subdivision (a) shall address all of the following:

(1) The maximum amount of coursework that may be alleviated;

(2) The amount of academic work to have been completed at a satisfactory level (minimum 2.00) subsequent to the coursework to be alleviated;

(3) The length of time to have elapsed since the coursework to be alleviated was recorded;

(4) A description of any specific courses and/or categories of courses that are, for any reason, exempt from consideration under the alleviation procedures;

(5) The procedures to be followed by students in petitioning for alleviation; and

(6) The personnel responsible for implementing the procedures.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

HISTORY

1. New section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Article 5. Alternative Methods for Awarding Credit

§ 55050. Credit by Examination.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to credit by examination in accordance with the provisions of this section.

(b) The governing board may grant credit to any student who satisfactorily passes an examination approved or conducted by proper authorities of the college. Such credit may be granted only to a student who is registered at the college and in good standing and only for a course listed in the catalog of the community college.

(c) The nature and content of the examination shall be determined solely by faculty in the discipline who normally teach the course for which credit is to be granted in accordance with policies and procedures approved by the curriculum committee established pursuant to section 55002. The faculty shall determine that the examination adequately measures mastery of the course content as set forth in the outline of record. The faculty may accept an examination conducted at a location other than the community college for this purpose.

(d) A separate examination shall be conducted for each course for which credit is to be granted. Credit may be awarded for prior experience or prior learning only in terms of individually identified courses for which examinations are conducted pursuant to this section.

(e) The student's academic record shall be clearly annotated to reflect that credit was earned by examination.

(f) Grading shall be according to the regular grading system approved by the governing board pursuant to section 55023, except that students shall be offered a "pass–no pass" option if that option is ordinarily available for the course.

(g) Units for which credit is given pursuant to the provisions of this section shall not be counted in determining the 12 semester hours of credit in residence required for an associate degree.

(h) A district may charge a student a fee for administering an examination pursuant to this section, provided the fee does not exceed the enrollment fee which would be associated with enrollment in the course for which the student seeks credit by examination.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New article 5 (sections 55050–55052) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55051. Articulation of High School Courses.

(a) For purposes of this section, the term "articulated high school course" means a high school course or courses that the faculty in the appropriate discipline, using policies and procedures approved by the curriculum committee established pursuant to section 55002, have determined to be comparable to a specific community college course.

(b) The governing board of a community college district may adopt policies to permit articulated high school courses to be applied to community college requirements in accordance with this section. Articulated high school courses may be accepted in lieu of comparable community college courses to partially satisfy:

(1) requirements for a certificate program, including the total number of units required for the certificate; or,

(2) The major or area of emphasis requirements in a degree program.

(c) Articulated high school courses used to partially satisfy certificate or major/area of emphasis requirements shall be clearly noted as such on the student's academic record. Notations of community college course credit shall be made only if community college courses are successfully completed or if credit is earned via credit by examination.

(d) Except through credit by examination, as defined in section 55753, high school courses may not be used to satisfy:

(1) The requirement of section 55063 that students complete at least 60 semester or 90 quarter units in order to receive an associate degree; or,

(2) Any general education requirement for the associate degree established by the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700, 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55052. Advanced Placement Examinations.

The governing board of a community college district may adopt policies to grant credit for satisfactory completion of advanced placement examinations typically recognized by colleges and universities as measuring competencies comparable to those achieved in baccalaureate level courses.

The faculty in the appropriate discipline must approve advanced placement examinations, scores deemed to constitute satisfactory performance, courses offered by the college for which credit will be granted, and requirements that may be met by such examinations in accordance with policies and procedures approved by the curriculum committee established pursuant to section 55002.

The student's academic record shall be clearly annotated to reflect that credit was earned through an advanced placement examination.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700, 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 6. The Associate Degree

§ 55060. District Policy.

The governing board of each community college district shall adopt policy consistent with the provisions of this article. The policy shall be published in the college catalog under appropriate headings, and filed with the Chancellor's Office as required by section 51004.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. New article 6 (sections 55060–55064) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55061. Philosophy and Criteria for Associate Degree and General Education.

(a) The governing board of a community college district shall adopt a policy which states its specific philosophy on General Education. In developing this policy governing boards shall consider the following policy of the Board of Governors:

The awarding of an Associate Degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead students through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; and to develop the capacity for self–understanding. In addition to these accomplishments, the student shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate Degree, General Education is designed to introduce students to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most importantly, General Education should lead to better self–understanding.

In establishing or modifying a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve students actively in examining values inherent in proposed solutions to major social problems.

(b) The governing board of a community college district shall also establish criteria to determine which courses may be used in implementing its philosophy on the associate degree and general education.

(c) The governing board of a community college district shall, on a regular basis, review the policy and criteria established pursuant to subdivisions (a) and (b) of this section.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55062. Types of Courses Appropriate to the Associate Degree.

The criteria established by the governing board of a community college district to implement its philosophy on the associate degree shall permit only courses that conform to the standards specified in section 55002(a) and that fall into the following categories to be offered as degree–applicable credit courses:

(a) All lower division courses accepted toward the baccalaureate degree by the California State University or University of California or designed to be offered for transfer.

(b) Courses that apply to the major or area of emphasis in non–baccalaureate career technical fields.

(c) English composition or reading courses not more than one level below the first transfer level course. Each student may count only one such course below transfer level for credit toward the associate degree, except that reading courses which also satisfy the requirements of subdivision (a) are not subject to this limit. English as a Second Language (ESL) courses which teach composition or reading skills are not considered to be English composition or reading courses for purposes of this subdivision.

(d) All mathematics courses above and including Elementary Algebra.

(e) Credit courses in English and mathematics taught in or on behalf of other departments and which, as determined by the local governing board require entrance skills at a level equivalent to those necessary for the courses specified in subdivisions (c) and (d) above.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment of subsection (c) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55063. Minimum Requirements for the Associate Degree.

The governing board of a community college district shall confer the associate degree upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of degree–applicable credit course work (as defined in section 55002(a)) which falls into the categories described in section 55062. A college may also accept toward satisfaction of this requirement courses that were not completed at a California community college that would reasonably be expected to meet or exceed the standards of section 55002(a).

Effective for all students admitted to a community college for the Fall 2009 term or any term thereafter, competence in written expression shall be demonstrated by obtaining a satisfactory grade in an English course at the level of the course typically known as Freshman Composition (either Freshman Composition or another English course at the same level and with the same rigor, approved locally) or by completing an assessment conducted pursuant to subchapter 6 of this chapter (commencing with section 55500) and achieving a score determined to be comparable to satisfactory completion of the specified English course. Satisfactory completion of an English course at the level of Freshman Composition shall satisfy both this competency requirement and the coursework requirement set forth in subdivision (b)(1)(D)(i) of this section.

Effective for all students admitted to a community college for the Fall 2009 term or any term thereafter, competence in mathematics shall be demonstrated by obtaining a satisfactory grade in a mathematics course at the level of the course typically known as Intermediate Algebra (either Intermediate Algebra or another mathematics course at the same level, with the same rigor and with Elementary Algebra as a prerequisite, approved locally) or by completing an assessment conducted pursuant to subchapter 6 of this chapter (commencing with section 55500) and achieving a score determined to be comparable to satisfactory completion of the specified mathematics course. Satisfactory completion of a mathematics course at the level of Intermediate Algebra shall satisfy both this competency requirement and the coursework requirement set forth in subdivision (b)(1)(D)(ii) of this section.

The competency requirements for written expression and mathematics may also be met by obtaining a satisfactory grade in courses in English and mathematics taught in or on behalf of other departments and which, as determined by the local governing board, require entrance skills at a level equivalent to those necessary for Freshman Composition and Intermediate Algebra respectively. Requirements for demonstrating competency in reading shall be locally determined.

The required 60 semester or 90 quarter units of course work must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in general education and at least 18 semester or 27 quarter units in a major or area of emphasis as prescribed in this section. Of the total required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the associate degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Requirements for a major or area of emphasis.

(1) At least 18 semester or 27 quarter units of study must be taken in a single discipline or related disciplines, as listed in the community colleges "Taxonomy of Programs," or in an area of emphasis involving lower division coursework which prepares students for a field of study or for a specific major at the University of California or the California State University.

(2) Effective for all students admitted to a community college for the Fall 2009 term or any term thereafter, each course counted toward the unit requirement of this subdivision must be completed with a grade of C or better or a "P" if the course is taken on a "pass–no pass" basis.

(b) General Education Requirements.

(1) Students receiving an associate degree shall complete a minimum of 18 semester or 27 quarter units of general education coursework which includes a minimum of three semester or four quarter units in each of the areas specified in paragraphs (A), (B) and (C) and the same minimum in each part of paragraph (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the general education requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses. Such courses include:

(i) English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing.

(ii) Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement include oral communication, mathematics, logic, statistics, computer languages and programming, and related disciplines.

(2) Ethnic Studies will be offered in at least one of the areas required by subdivision (1).

(c) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major or area of emphasis requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the associate degree and to partially satisfy a general education requirement at the California State University, if such course is accepted by that system to satisfy a general education requirement.

(d) For the purpose of this section, "satisfactorily completed" means either credit earned on a "pass–no pass" basis or a grade point average of 2.0 or better in community college credit courses in the curriculum upon which the degree is based.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment and redesignation of former subsection (b)(3) as subsection (b)(2) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55064. Acceptance of Noncredit Courses.

The governing board of each community college district shall establish procedures by which a student may petition to have completion of a noncredit course counted toward satisfaction of the requirements for an associate degree. The petition shall be granted if the instructor of the non-

credit course certifies that the student has achieved competence in the subject matter at a level and with academic rigor equivalent to that required for a degree-applicable credit course.

This section shall become inoperative on July 1, 2009. After that date, a student may nevertheless seek to receive credit for knowledge or skills acquired through completion of a noncredit course in accord with section 55050.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Article 7. Credit Certificates

§ 55070. Credit Certificates.

(a) Any sequence of courses consisting of 18 or more semester units or 27 or more quarter units of degree-applicable credit coursework shall constitute an educational program subject to approval by the Chancellor pursuant to section 55130. The college-awarded document confirming that a student has completed such a program shall be known as a certificate of achievement and may not be given any other designation. The award of a certificate of achievement is intended to represent more than an accumulation of units. Listing of the certificate of achievement on a student transcript symbolizes successful completion of patterns of learning experiences designed to develop certain capabilities that may be oriented to career or general education; provided however, that no sequence or grouping of courses may be approved as a certificate of achievement pursuant to this section if it consists solely of basic skills and/or ESL courses. For purposes of this subdivision, the term "general education" includes coursework taken to satisfy transfer patterns established by the University of California, the California State University, or accredited public postsecondary institutions in adjacent states which award the baccalaureate degree.

(b) Shorter credit programs leading to a certificate may be established without review and approval by the Chancellor after approval by the college curriculum committee and the district governing board. Such a certificate may be given any name or designation deemed appropriate by the district governing board, except that such a certificate may not be referred to as a certificate of achievement, a certificate of completion, or a certificate of competency, unless approved by the Chancellor pursuant to subdivision (c). Such a certificate may not be listed on a student's transcript, unless approved by the Chancellor pursuant to subdivision (c).

(c) A district may submit any sequence of courses consisting of 12 or more semester units or 18 or more quarter units of degree-applicable credit coursework to the Chancellor and request that it be approved as a program leading to a certificate of achievement. The Chancellor may approve such a program if he or she determines that it satisfies the requirements of subdivision (a) despite requiring fewer than 18 semester or 27 quarter units of degree-applicable credit coursework.

(d) Content and assessment standards for certificates shall be defined by the local curriculum committee and comply with the requirements of this chapter. Such standards should also ensure that certificate programs will be consistent with the mission of the college, meet a demonstrated need, be feasible, and adhere to guidelines on academic integrity which may be developed by the Chancellor, the Academic Senate for California Community Colleges or other appropriate statewide bodies.

(e) A description of each approved program shall be included in the college catalog.

(f) The Chancellor shall develop forms and procedures for submission of applications for approval of a program leading to a certificate of achievement.

(g) Provisions of this section regarding the naming or designation of certificates shall become effective for the Fall 2008 term.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New article 7 (sections 55070-55072) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment of subsection (a) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55072. Award of Certificates.

The governing board, or its designee, shall award the appropriate certificate to any student who has completed the prescribed curriculum leading to that certificate as approved pursuant to section 55070.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 8. Educational Master Plans

§ 55080. Adoption and Content of Plans.

(a) The governing board of each community college district shall establish policies for, and approve, current and long range educational plans and programs for each community college which it maintains and for the district as a whole.

(b) Each plan shall be modified and brought up to date periodically as deemed necessary by the governing board.

(c) Each plan shall contain the educational objectives of the community college or district and the future plans for transfer programs, career technical programs, noncredit courses and programs, and remedial and developmental programs. On the basis of current and future enrollment, it shall contain plans for the development and expansion of ancillary services, including services in the library and for counseling, placement, and financial aid.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70902, Education Code.

HISTORY

1. New article 8 (section 55080) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 2. Approval by the Chancellor

Article 1. Approval of Credit Educational Programs

§ 55100. Course Approval.

(a) The governing board of each community college district shall establish policies for, and may approve individual degree-applicable credit courses which are offered as part of an educational program approved by the Chancellor pursuant to section 55130. Such courses need not be separately approved by the Chancellor.

(b) Effective for courses to be offered beginning in Fall 2007, a community college district may, until December 31, 2012, approve and offer nondegree-applicable credit courses and degree-applicable credit courses which are not part of an approved educational program without separate approval by the Chancellor, provided that the district continuously complies with the following requirements:

(1) the college curriculum committee and district governing board have approved each such course pursuant to section 55002;

(2) the district submits a certification by September 30th of each year verifying that the persons who will serve on the curriculum committee and others who will be involved in the curriculum approval process at

each college within the district for that academic year have received training consistent with guidelines prescribed by the Chancellor on the review and approval of courses not part of educational programs;

(3) no course which has previously been denied separate approval by the Chancellor or is part of a program that has been disapproved by the Chancellor may be offered pursuant to this subdivision unless the proposed course has been modified to adequately address the reasons for denial and has been subsequently reapproved by the college curriculum committee and district governing board;

(4) no group of courses approved pursuant to this subdivision which total 18 or more semester units or 27 or more quarter units in a single four-digit Taxonomy of Programs code may be linked to one another by means of prerequisites or corequisites;

(5) no student may be permitted to count 18 or more semester units or 27 or more quarter units of coursework approved pursuant to this subdivision toward satisfying the requirements for a certificate or other document evidencing completion of an educational program or towards a major or area of emphasis for completion of an associate degree; and

(6) the district promptly reports all courses approved pursuant to this subdivision to the Chancellor through the Chancellor's Office Management Information System.

(c) The Chancellor may, at any time, terminate the ability of a district to offer courses pursuant to subdivision (b) if he or she determines that a district has failed to comply with all of the conditions set forth in that subdivision. In that event, the district will become immediately subject to the requirements of subdivision (d).

(d) Effective January 1, 2013, or earlier if so required by subdivision (c), the governing board of each community college district shall separately submit for approval by the Chancellor all nondegree-applicable credit courses and individual degree-applicable credit courses which are not part of any approved educational program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78401, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer of article 2 and section and new subchapter 2 (articles 1-5, sections 55100-55190), article 1 (sections 55100-55130) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55101. Chancellor's Report. [Repealed]

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).

§ 55130. Approval of Credit Programs.

(a) Before offering any credit course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.

(b) The application for approval shall contain at least the following:

(1) The name of the proposed program.

(2) The description of the proposed program.

(3) a list of required courses to be included in the program.

(4) course outlines of records for all courses in the program.

(5) The purposes and specific objectives of the proposed program.

(6) The place of the proposed program in the district master plan.

(7) An explanation of how the program is appropriate to the objectives and conditions of higher education and community college education in California and how it conforms to statewide master planning.

(8) The need for the proposed program ascertained with regard to at least the following factors:

(A) Other community colleges in the area currently offering the program;

(B) Other programs closely related to the proposed program offered by the college;

(C) Relation of the proposed program to job market analysis, where applicable;

(D) Enrollment projection for the proposed program;

(E) Recommendations of career technical education regional consortia, when applicable; and

(F) The classification of the courses in the program in accordance with section 55001.

(9) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:

(A) Library and media center resources;

(B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.

(C) Availability of adequate or proposed financial support; and

(D) Availability of faculty.

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. The Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(e) In multicollege districts, program approval is granted for a specific college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer and new section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 2. Approval of Noncredit Courses and Programs

§ 55150. Approval of Noncredit Courses and Programs.

(a) Each noncredit course shall be approved by the Chancellor in accordance with this article on forms provided by the Chancellor.

(b) Noncredit programs shall be approved by the Chancellor as provided in sections 55152, 55153 and 55154 on forms provided by the Chancellor. An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. The Chancellor may evaluate a noncredit program, after its approval, on the basis of factors listed in sections 55152, 55153 or 55154, as applicable. If on the basis of such an evaluation the Chancellor determines that the program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.

(c) Course outlines for all noncredit courses prepared in accordance with subdivision (c) of section 55002 shall be on file in the community college offering the course.

(d) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.

(e) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5, a career development or college preparation noncredit course must be part of a program or sequence of courses approved by the Chancellor pursuant to sections 55151 or 55152.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. New article 2.2 heading, amendment of subsection (a), new subsection (d) and amendment of NOTE filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 8).
4. Repealer of article 2.2 and section and new article 2 (sections 55100-55155) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55151. Career Development and College Preparation.

A noncredit course involving career development or college preparation will be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5 if it satisfies the requirements set forth in subdivisions (a), (b) and (c) below.

(a) The course is approved by the college curriculum committee and the district governing board pursuant to subdivision (c) of section 55002 and by the Chancellor's Office pursuant to section 55150 and is part of either:

(1) A short-term vocational program providing less than 288 hours of instruction which the Chancellor, in consultation with the Employment Development Department, has determined to have high employment potential. In making this determination, the Chancellor shall utilize job demand data provided by the Employment Development Department. If current job demand data in the relevant field is not available from the Employment Development Department, the Chancellor and the Employment Development Department may rely upon other data submitted by the college.

(2) A sequence of courses involving:

(A) Courses in elementary and secondary basic skills;

(B) Workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decision-making, and problem solving skills that are necessary to participate in job-specific technical training; or

(C) Courses in English as a second language and vocational English as a second language.

(b) The program or sequence of courses is designed to result in either:

(1) A noncredit certificate of completion leading to improved employability or job opportunities; or

(2) A noncredit certificate of competency in a recognized career field articulated with degree-applicable coursework, completion of an associate degree or transfer to a baccalaureate institution. A certificate of competency in a recognized career field may be articulated with degree-applicable coursework, an associate degree, or transfer to a baccalaureate institution by means of nondegree-applicable coursework which may be completed prior to or taken concurrently with degree-applicable or transferable coursework.

(c) Each program or sequence of courses must be submitted to and approved by the Chancellor. Each application for approval shall include a list of required courses to be included in the program or sequence of courses, course outlines for each course, and an explanation of how the program or sequence of courses is designed to lead students to one of the outcomes described in subdivision (b). For short-term vocational programs, the application shall also include an analysis of labor market need or job availability.

(d) The Chancellor shall develop forms and procedures for electronic submission of applications for approval.

(e) If the Chancellor approves a sequence of courses or a short-term vocational program pursuant to this section, the sequence of courses or program may not be subsequently modified by the inclusion of additional courses unless the course or courses to be added are of one of the types listed in subdivision (a) and have themselves been individually approved by the Chancellor pursuant to section 55150.

(f) Under no circumstances may a district separate an existing noncredit course which provides less than one hundred and ten (110) hours of instruction into two or more courses for the purpose of forming a sequence of courses to satisfy the requirements of this section.

(g) Nothing in this section shall be construed to prevent a particular student from taking additional degree-applicable coursework, pursuing an associate degree, or pursuing transfer to a baccalaureate institution in addition to or instead of seeking immediate employment.

(h) For purposes of this article, the term "certificate of completion" means a document confirming that a student has completed a program or sequence of noncredit courses that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a Taxonomy of Programs (T.O.P.) Code number and program discipline, identify the goal of the program, and list the courses completed by the student.

(i) For purposes of this article, the term "certificate of competency" means a document confirming that a student enrolled in a program or sequence of noncredit courses has demonstrated achievement of a set of competencies that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a T.O.P. Code number and program discipline, and list the relevant competencies achieved by the student.

(j) Content and assessment standards for certificates shall be defined by the local curriculum committee. The review of noncredit certificate programs by the curriculum committee shall be conducted using the same standards as applied to credit programs with respect to academic integrity, consistency with college mission, meeting a demonstrated need and program feasibility.

(k) Each noncredit certificate program shall be approved by the governing board of the district.

(l) Noncredit certificates may be awarded to students who have earned them on behalf of the governing board of the district by any appropriate district official or by a particular department or division pursuant to a delegation of authority from the governing board.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 8).
2. Editorial correction of subsection (c) (Register 2007, No. 25).
3. Repealer and new section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Repealer of subsection (m) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55151.5. Additional Requirements. [Repealed]

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 8).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55151.7. Duration of Article. [Repealed]

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 4-27-2007; operative 5-27-2007. Submitted to OAL for printing only (Register 2007, No. 25).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55152. Short–Term Vocational Programs Providing 288 Hours or More of Instruction.

(a) Before offering any noncredit short–term vocational program providing 288 hours or more of instruction on or after June 30, 2008, the governing board of a community college district shall obtain approval of the program pursuant to this section. Each course which is to be part of the program must be approved by the college curriculum committee pursuant to subdivision (c) of section 55002.

(b) The Chancellor, in consultation with the Employment Development Department, must determine that the program has high employment potential. In making this determination, the Chancellor shall utilize job demand data provided by the Employment Development Department. If current job demand data in the relevant field is not available from the Employment Development Department, the Chancellor and the Employment Development Department may rely upon other data submitted by the college.

(c) If a district seeks to claim enhanced funding for the program pursuant to Education Code sections 84750.5 and 84760.5, the program must also be designed to lead to one of the types of certificates described in subdivision (b) of section 55151.

(d) Applications shall include all of the following:

(1) a list of required courses to be included in the program;

(2) course outlines for all courses in the program;

(3) a statement of the goals and objectives of the program;

(4) a description of the relationship of the proposed program to other programs;

(5) a discussion of the possible impact of the proposed program on nearby community colleges; and

(6) an analysis of labor market need or job availability.

(e) The Chancellor shall develop forms and procedures for review and approval of such programs. If a program was approved pursuant to section 55151 prior to June 30, 2007, information provided with the prior application need not be resubmitted.

(f) If a program is approved by the Chancellor pursuant to this section, the program may be subsequently modified by the addition of other noncredit courses without the necessity to obtain separate approval of such courses from the Chancellor.

(g) Nothing in this section shall be construed to require a particular student to complete a certificate or to characterize failure to do so as a negative outcome.

(h) Nothing in this section shall be construed to prevent a particular student from taking additional degree–applicable coursework, pursuing an associate degree, or pursuing transfer to a baccalaureate institution in addition to or instead of seeking immediate employment.

NOTE: Authority cited: sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55153. Other Noncredit Programs Providing 288 Hours or More of Instruction.

(a) Before offering any noncredit program on or after June 30, 2008, which provides 288 hours or more of instruction in any area of noncredit instruction other than those covered by sections 55152 and 55154, the governing board of a community college district shall obtain approval of the program pursuant to this section. Each course which is to be part of the program must be approved by the college curriculum committee pursuant to subdivision (c) of section 55002.

(b) Applications shall include all of the following:

(1) a list of courses to be included in the program;

(2) course outlines for all courses in the program;

(3) documentation of the need or demand for the program;

(4) a statement of the goals and objectives of the program;

(5) a description of the relationship of the proposed program to other programs; and

(6) a discussion of the possible impact of the proposed program on nearby colleges.

(c) The Chancellor shall develop forms and procedures for review and approval of programs submitted for approval pursuant to this section.

(d) A program approved pursuant to this section will only be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5 if it also satisfies the requirements of section 55151 and the application so demonstrates. If an application for approval pursuant to section 55151 was filed prior to application for program approval under this section, materials submitted with the section 55151 application need not be resubmitted.

(e) If a program is approved by the Chancellor pursuant to this section, the program may be subsequently modified by the addition of other noncredit courses without the necessity to obtain separate approval of such courses from the Chancellor even if the program is also approved for enhanced funding pursuant to section 55151.

(f) A district may, but is not required to, award a noncredit certificate pursuant to section 55155 to students who complete such a program, provided that such a certificate may not be designated or referred to as a certificate of achievement, a certificate of completion or a certificate of competency unless the program is also approved for enhanced funding pursuant to section 55151.

NOTE: Authority cited: sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55154. Adult High School Diploma Programs.

(a) Before offering any noncredit course as part of a high school diploma program on or after June 30, 2009, the governing board of a community college district shall obtain approval of its high school diploma program as provided in section 55150.

(b) For purposes of this section, the term "high school diploma program" means an organized sequence of noncredit courses designed to meet the needs of adult learners which leads to a high school diploma which is awarded by the community college district or jointly by the district and a high school.

(c) The application for approval shall include all of the following:

(1) A statement that both the local curriculum committee(s) and the district governing board have reviewed and approved the high school diploma program.

(2) Information demonstrating that there exists demand for the college to offer a high school diploma program for adult learners in the area.

(3) Coursework requirements and content standards that meet or exceed those described in subdivision (e).

(4) Comprehensive descriptions of program organization, instructional support services, student services, facilities and ongoing staffing efforts to demonstrate that the district has the resources to maintain the high school diploma program.

(5) A copy of the proposed catalog description.

(6) Requirements or conditions by which a student can obtain high school credit by examination or by successfully completing college degree–applicable or nondegree–applicable credit course work and any alternative means for students to complete the prescribed course of study.

(7) A description of the student assessment procedures for academic placement in the program and a description of how the district will evaluate student progress.

(d) Once a program is approved by the Chancellor pursuant to this section, the program may be subsequently modified by the addition of other noncredit courses without the necessity to obtain separate approval of

such courses from the Chancellor even if the program has also been approved for enhanced funding pursuant to section 55151.

(e)(1) The governing board of a community college district shall confer a high school diploma upon a student who has satisfactorily completed at least 160 credits of high school level coursework and who has demonstrated competence in reading, writing, and mathematics at a level generally accepted as appropriate for award of a high school diploma. The required 160 credits of high school level course work must be fulfilled in a core curriculum consisting of courses in the categories described in paragraph (2) and accepted toward the diploma by a college within the district (as shown in its catalog). A college may accept toward satisfaction of this requirement courses that were completed at an accredited high school or college that would reasonably be expected to meet or exceed the standards of this section, provided that at least 20 of the total 160 required high school credits must be completed in residence at the college granting the diploma.

(2) The curriculum must include the indicated minimum number of high school credits in each of the areas listed below. Each course shall be of a duration sufficient to permit a student to master the content of the course as specified in the content standards described in paragraph (3).

(A) Natural Sciences. A minimum of 20 high school credits shall be required in natural sciences, including biological and physical sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the core curriculum requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category may include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. A minimum of 30 high school credits shall be required in social and behavioral sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the core curriculum requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. Each student shall be required to complete coursework that addresses United States history and geography; world history, geography, and culture; American government and civics; and economics. This category may also include introductory or integrative survey courses in cultural anthropology, cultural geography, political science, psychology, sociology and related disciplines, as well as additional courses in economics, American government, United States history, and world history.

(C) Humanities. A minimum of 10 high school credits shall be required in humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the core curriculum requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Each student shall be required to complete one course in visual or performing arts or foreign language. This category may also include introductory or integrative courses in literature, philosophy, and religion, as well as additional courses in the arts, and foreign languages. For the purposes of satisfying the requirement specified in this paragraph, a course in American Sign Language shall be deemed a course in foreign language.

(D) English. A minimum of 30 high school credits shall be required in English. Courses in English are those which develop the principles and applications of language toward logical thought, clear and precise expression and critical evaluation. To satisfy the core curriculum requirement in English, a course shall be designed to develop reading, writing, and verbal expression skills as applicable to the needs and interests of an adult. Such courses may include introductory or integrative courses in literature and English grammar, writing strategies, and mechanics.

(E) Mathematics. A minimum of 20 high school credits shall be required in mathematics. Courses in mathematics develop the ability to reason with and apply mathematical operations and principles. To satisfy the core curriculum requirement in mathematics, a course shall be designed to help a student gain facility in the operations of mathematics as well as its practical applications. Such courses may include algebra, geometry, applied mathematics, and calculus.

(3) Course content standards for the coursework described in subdivision (2) must meet or exceed the standards for the high school curriculum established by the California State Board of Education.

(f) Notwithstanding the requirements of this section, any student enrolled in a high school diploma program prior to June 30, 2009, may receive a high school diploma based on completion of the curriculum required for the program as set forth in the college catalog in effect at the time the student first enrolled in the program; provided the student remains continuously enrolled without a break of more than one primary term subsequent to the Spring 2009 term.

(g) In order for a high school diploma program to qualify for enhanced noncredit funding pursuant to Education Code sections 84750.5 and 84760.5, the application for approval must satisfy the requirements of section 55151.

(h) For the purposes of this section, a noncredit course awarding 10 high school credits must be designed to require a minimum of 144 hours of lecture, study or laboratory work.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 60851, 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55155. Noncredit Certificates.

(a) Any noncredit program leading to a certificate must be approved by the college curriculum committee and the district governing board and all courses in the program must be individually approved by the Chancellor pursuant to section 55150, except where a course is subsequently added to a program after it is approved by the Chancellor pursuant to sections 55152, 55153 or 55154.

(b) All programs or sequences of courses leading to a noncredit certificate of completion or competency are subject to approval by the Chancellor pursuant to sections 55151 or 55152.

(c) If a district does not seek enhanced funding for a program or sequence of noncredit courses, or the program or sequence of courses does not qualify for enhanced funding pursuant to section 55151, a noncredit certificate program may be established by the district without approval by the Chancellor except as required in sections 55152, 55153 or 55154. A district may award a noncredit certificate to a student completing such a program, but may not designate or refer to it as a certificate of completion or a certificate of competency.

(d) A noncredit certificate may not be referred to as a certificate of achievement regardless of its length or whether or not it has been approved by the Chancellor.

(e) A description of each approved program shall be included in the college catalog.

(f) Provisions of this section regarding the naming or designation of certificates shall become effective for the Fall 2008 term.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 3. Approval of Other Courses

§ 55160. Approval of Community Service Offerings.

(a) Districts are authorized in accordance with the provisions of article 7 (commencing with section 78300) of chapter 2, part 48, division 7, of title 3 of the Education Code to approve and provide community service offerings pursuant to subdivision (d) section 55002. The approval of the Chancellor is not required for community service offerings.

(b) Community service offerings shall not be referred to as noncredit courses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78300, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Change without regulatory effect amending subsection (a) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Repealer of section and new article 3 (sections 55160–55170) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55170. Contract Courses.

(a) Any course approved pursuant to section 55002 may be offered by a college through contract education pursuant to Education Code section 78021. Approval of such a contract course may be required by other state agencies, but approval by the Chancellor is not required unless the course is part of a credit educational program subject to approval pursuant to section 55130 or is a noncredit course subject to approval pursuant to article 2 of this subchapter.

(b) The approval of the Chancellor is not required for any contract except for vocational education contracts pursuant to subchapter 7.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 8092, 70902 and Article 1.5 (commencing with Section 78020) of Chapter 1, Part 48, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 4. Approval of Colleges and Educational Centers

§ 55180. Definitions.

(a) College. As used in this division, "college" means a degree–granting institution intended to provide instruction through the second year of college, including but not limited, to one or more of the following categories:

(1) standard collegiate courses for transfer to institutions of higher education;

(2) career technical fields leading to employment; or

(3) general or liberal arts courses required for the institution to maintain its accreditation.

(b) Educational Center. As used in this division, "educational center" means a postsecondary operation established and administered by an existing college or district at a location away from the campus of the parent institution which satisfies the requirements of either subdivision (1) or (2) below:

(1) the center:

(A) is planned to continue for ten or more years;

(B) generates at least 500 full–time equivalent student (FTES) annually.

(C) has an on–site administrator;

(D) offers programs leading to certificates and/or degrees conferred by the parent institution; and

(E) has been approved by the Board of Governors pursuant to this article.

(2) the center was identified by the Chancellor's Office as of the 2006–07 fiscal year as a "grandparented center" which:

(A) operated prior to April 1974 and was recognized as an approved grandfathered center by the California Postsecondary Education Commission (CPEC) in its December 10, 1984, report to the Legislature;

(B) served at least 100 full–time equivalent student (FTES) as reported on the final attendance report for fiscal year 2005–06 or had an average annual FTES for the three prior fiscal years (2003–04 to 2005–06) of at least 100 FTES;

(C) operated continuously since 1974;

(D) was owned or controlled by the district through a lease agreement; and

(E) provided an appropriate level of administrative and student services, relative to its size, at the center.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. New article 4 (sections 55180–55184) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35). For prior history, see Register 91, No. 23.
2. Amendment filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 55181. Responsibilities.

(a) The Chancellor shall maintain an inventory of all off campus programs and facilities in the community colleges. This inventory shall be updated annually, and shall be distributed to each community college district and the California Postsecondary Education Commission for use in planning activities.

(b) The Chancellor shall develop procedures to identify and review plans for new colleges and new educational centers within the district's Five–Year Academic and Capital Outlay Master Plans.

(c) Community college districts shall develop procedures to identify and review plans for new colleges and new educational centers as defined in this article. These proposals shall contain at least the following elements:

(1) Assessment of Needs and Preferences (section 55182),

(2) Identification of Objectives (section 55183), and

(3) Analysis of Alternative Delivery Systems (section 55184).

(d) The Chancellor shall review each proposed new college and new educational center and shall recommend approval or disapproval to the Board of Governors. The Chancellor's analysis of these proposals shall stress inter–district concerns and evaluation of the delivery system proposed.

(e) The Chancellor shall notify the community college district initiating the proposal and the California Postsecondary Education Commission of the findings and actions of the Board of Governors on the proposal.

NOTE: Authority cited: Section 66700, 70901 and 81805, Education Code. Reference: Section 66700, 81805, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55182. Assessment of Needs and Preferences.

Applications for approval of new colleges or centers shall do all of the following:

(a) describe the community area and characteristics of individuals to be served;

(b) provide projections of potential enrollment demand in the service area which demonstrate significant unmet need, taking into account plans of nearby secondary and postsecondary institutions;

(c) demonstrate significant community support and identify possible community opposition;

(d) identify preferences for community college programs and services on the part of individuals in the service area;

(e) insofar as possible, identify present and future labor market requirements for the proposed service area, a broader adjacent region, and the state; and

(f) if possible, reconcile projected labor market requirements and community program preferences.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. New section filed 12–28–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55183. Identification of Objectives.

(a) Proposed college or educational center programs and services must be directed to the identified educational needs and preferences of the community to be served.

(b) Objectives of the proposed programs and services must be sufficiently specific that the district board may evaluate the success with which needs and preferences are met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. New section filed 7–14–2006 by Board of Governors of California Community Colleges with the Secretary of State; operative 7–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2006, No. 30).
2. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55184. Analysis of Alternative Delivery Systems.

(a) The proposed operation must be the most effective and equitable of feasible delivery system alternatives for providing intended programs and services.

(b) Criteria for selecting the proposed delivery system must include:

(1) accessibility of programs and services to individuals in the service area,

(2) content and quality of programs and services, and

(3) cost of programs and services.

(c) Depending on the delivery system proposed, alternatives for providing the proposed programs and services must include, but need not be limited to:

(1) increased utilization of existing district resources,

(2) forming a new college, educational center, and/or outreach locations, and

(3) use of media such as television, computer–assisted instruction or programmed learning packages. Alternative delivery systems considered must be adequately described, generally mutually exclusive, and limited to a manageable number to facilitate analysis and review.

(d) Proposed sources of funding for needed resources must be identified for both short and long–term operations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55185. Additional Criteria for Approval of Educational Centers.

(a) In addition to satisfying the other requirements of this article, in order for a proposed center to be considered for state approval as an educational center after May 1, 2008, the needs assessment required by section 55182 must demonstrate that the proposed educational center meets at least one of the following criteria or those specified in subdivision (b):

(1) The proposed educational center will generate at least 500 full–time equivalent student (FTES) in the first full academic year of operation to be used for eligibility to become an educational center by replacing locations other than the main campus of an existing college that have generated at least 500 FTES as reported on the district's most recent final attendance reports.

(2) In service areas of proposed educational centers where locations other than an existing college are constrained by site limitations from providing the full range of instruction proposed for the educational center, as determined by standards set by the Chancellor, the proposed educational center must be able to generate at least 500 FTES in the first full academic year of operation that is used for eligibility to become an educational center based on both of the following:

(A) the total number of FTES currently reported for courses offered at locations other than the main campus of an existing college which reported FTES on the district's most recent final attendance report and are to be replaced by the proposed educational center; and

(B) the number of FTES the proposed educational center is projected to generate, based on a thorough analysis of current attendance practices, as a result of students residing in the proposed service area who currently attend courses offered at locations outside the proposed service area and would be expected to attend courses offered at the proposed educational center.

(b) If the service area of a proposed educational center has an exceptionally high rate of population growth, as determined by standards set by the Chancellor, the district may obtain conditional approval of the educational center by demonstrating that, by no later than the third consecutive full academic year of operation that is used for eligibility to become an educational center, the proposed center will be able to generate at least 500 FTES in a year. This conclusion must be based on a thorough analysis, which includes but is not limited to, a review of the facility development schedule, population trends and projected demand for the educational programs to be included in the proposed educational center. Once the district demonstrates that the educational center has generated at least 500 FTES as reported on the district's most recent final attendance report, then full state approval for the educational center may be granted.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. New section filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

Article 5. Approval of Educational Master Plans

§ 55190. Review and Approval by Chancellor.

(a) Upon request by the Chancellor, a community college district shall submit to the Chancellor a copy of its current educational master plan as adopted pursuant to section 55080.

(b) the Chancellor shall review each master plan as he or she considers appropriate. The Chancellor shall approve the plan and so notify the district or send a statement of deficiencies to the chief executive officer of the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New article 5 (section 55190) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 3. Alternative Instructional Methodologies

Article 1. Distance Education

§ 55200. Definition and Application.

Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education is subject to the general requirements of this chapter as well as the specific requirements of this article. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d).

NOTE: Authority cited: Section 66700 and 70901, Education Code: References: Sections 70901 and 70902, Education Code; title 29 United States Code section 794d, and title 42 United States Code section 12100 et seq.

HISTORY

1. New article 2.5 and section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
2. Editorial correction of Article heading (Register 95, No. 20).
3. Repealer of article 2.2 and section, relocation and amendment of subchapter 3 from preceding section 55250 to precede section 55200 and new article 1 (sections 55200–55210) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation. [Repealed]

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
2. Amendment of subsection (e), new subsections (e)(1)–(e)(2)(B) and amendment of NOTE filed 2–9–98; operative 3–11–98. Submitted to OAL for printing only (Register 98, No. 7).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55202. Course Quality Standards.

The same standards of course quality shall be applied to any portion of a course conducted through distance education as are applied to traditional classroom courses, in regard to the course quality judgment made pursuant to the requirements of section 55002, and in regard to any local course quality determination or review process. Determinations and judgments about the quality of distance education under the course quality standards shall be made with the full involvement of faculty in accordance with the provisions of subchapter 2 (commencing with section 53200) of chapter 2.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
2. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55204. Instructor Contact.

In addition to the requirements of section 55002 and any locally established requirements applicable to all courses, district governing boards shall ensure that:

(a) Any portion of a course conducted through distance education includes regular effective contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, correspondence, voice mail, e–mail, or other activities. Regular effective contact is an academic and professional matter pursuant to sections 53200 et seq.

(b) Any portion of a course provided through distance education is conducted consistent with guidelines issued by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55205. Definition and Application. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New article 3 (sections 55205–55219) and section filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26). For prior history of article 3 (section 55225), see Register 95, No. 20.
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55206. Separate Course Approval.

If any portion of the instruction in a proposed or existing course or course section is designed to be provided through distance education in lieu of face–to–face interaction between instructor and student, the course shall be separately reviewed and approved according to the district's adopted course approval procedures.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55207. Course Quality Standards. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55208. Faculty Selection and Workload.

(a) Instructors of course sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the course's subject matter most appropriately falls, in accordance with article 2 (commencing with section 53410) of subchapter 4 of chapter 4, and with the list of discipline

definitions and requirements adopted by the Board of Governors to implement that article, as such list may be amended from time to time.

(b) The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered in whole or in part by distance education may include a review by the curriculum committee established pursuant to section 55002(a)(1).

(c) Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.

[The next page is 363.]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55209. Course Quality Determinations. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55210. Ongoing Responsibility of Districts.

If a district offers one or more courses or course sections in which instruction is provided through distance education for at least 51 percent of the hours of instruction in the course or course section, the district shall:

(a) maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses offered through distance education ;

(b) provide to the local governing board, no later than August 31st of each year, a report on all distance education activity;

(c) provide other information consistent with reporting guidelines developed by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55211. Instructor Contact. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55213. Separate Course Approval. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55215. Faculty Selection. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55217. Number of Students. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55219. Ongoing Responsibility of Districts. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
2. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 2. Excursions and Field Trips

§ 55220. Excursions and Field Trips.

(a) The governing board of a community college district may:

(1) Conduct field trips or excursions in connection with courses of instruction or instructionally-related social, educational, cultural, athletic, or band activities to and from places in the state, or any other state, the District of Columbia, or a foreign country for students enrolled in a college. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for the students.

(2) Engage instructors, supervisors, and other personnel who desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion.

(3) Transport students, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where the excursion or field trip is being conducted. Transportation may be provided by use of district equipment, by contracting with a transportation provider, or by arranging transportation by the use of other equipment. When district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, the liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

(4) Provide supervision of students involved in field trips or excursions by academic employees of the district.

(b) No student shall be prevented from taking a field trip or excursion which is integral to the completion of a course because of lack of sufficient funds. To this end the governing board shall coordinate efforts of community service groups to supply funds for students in need of them.

(c) No group shall be permitted to take a field trip or excursion which is integral to the completion of a course if any student who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds. Nothing in this subdivision or subdivision (b) shall be construed to prevent a district from offering a study abroad course or program because a particular student or group of students is unable to participate in the course or program due to lack of funds.

(d) Expenses of students participating in a field trip or excursion authorized by this section may not be paid with public funds, except where:

(1) the expenditure is authorized pursuant to subdivision (a); or

(2) funds from a state or federal grant or categorical program are used consistent with the statutory, regulatory or contractual conditions applicable to the expenditure of such funds.

(e) For purposes of subdivision (d), funds of an auxiliary organization duly established pursuant to education Code section 72670 et seq. shall not be considered to be public funds.

(f) Expenses of instructors, chaperons, and other personnel participating in a field trip or excursion authorized by this section may be paid from district funds, and the district may pay from district funds all incidental expenses for the use of district equipment during a field trip or excursion authorized by this section.

(g) The attendance or participation of a student in a field trip or excursion authorized by this section may be claimed for apportionment to the extent that the field trip or excursion is part of a course. However, attendance claimed for apportionment as a result of a field trip or excursion

shall be limited to the amount of attendance that would have accrued had the students not been engaged in the field trip or excursion. No more contact hours shall be generated by a field trip or excursion than if the class were held on campus.

(h) All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of minor students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New article 2 (sections 55220–55222) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55222. Provision of Medical or Hospital Service for Students.

The governing board of any community college district conducting excursions or field trips pursuant to these regulations shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from an authorized insurer, for students of the district injured while participating in the excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any college of the district. The cost of the insurance or membership may be paid from the funds of the district, or by the insured student, or his or her parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only companies or corporations that are authorized to do business in this state.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 3. Independent Study

§ 55230. Purpose.

The provisions of this article should be read in conjunction with the provisions of sections 58051 and 58003.1 concerning attendance in approved courses and programs designed and conducted as independent study.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer of subchapter 2 and section and new article 3 (sections 55230–55240) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35). For prior history of subchapter 2, see Register 93, No. 25.

§ 55231. Establishment of Courses Outside of District. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment of section heading and section filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55232. Academic Standards.

Academic standards applicable to courses of independent study shall be the same as those applied to other credit or noncredit courses, as appropriate, at the college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55233. Contract with Federal Government to Provide Classes and Courses for Servicemen. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55234. Student Progress.

Procedures for evaluation of student progress shall be in accordance with regulations established by the college. A report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify that adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55235. Classes for Convalescents in a Hospital Maintained by a County or City in Another County. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55236. Availability of Instructor.

The college shall provide access to the instructor for the students enrolled in courses offered pursuant to this article at least equivalent to that commonly available to students enrolled in courses conducted by other instructional methods in addition to regularly scheduled office hours as practiced at that college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55238. Eligibility for State Funds.

In order for attendance in a course of independent study to be eligible for state apportionment pursuant to the provisions of this article, the course must be reported as required by this article, and meet all other requirements of statute and regulation relative to eligibility for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55240. Instruction.

The instructor assigned to a course conducted pursuant to this article shall:

(a) Be qualified to provide service in that capacity during the period in which that service is rendered;

(b) Be responsible for the supervision, control, and evaluation of the course and the enrolled students;

(c) Provide orientation, guidance, and information regarding course content materials and services for each student as soon as possible subsequent to the student's official enrollment by the college; and

(d) Provide each student with the instructor's consultation schedule for the semester, quarter, or other prescribed term of the course. This schedule is to be included in the written record of student progress required by section 55234.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55241. Use of Federal Facilities. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55242. Maintenance of College Outside District. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55243. Classes Conducted at Airport or County Jail. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55245. Public School or Nonprofit Organization Facilities. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 4. Cooperative Work Experience Education

§ 55250. Approved Plan Required.

Any program of Cooperative Work Experience Education conducted by the governing board of a community college district pursuant to this article and claimed for apportionment pursuant to sections 58051 and 58009.5 shall conform to a plan adopted by the district. The plan adopted by the district shall set forth a systematic design of Cooperative Work Experience Education whereby students, while enrolled in college, will gain realistic learning experiences through work. This plan shall be submitted to and approved by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
4. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
6. Editorial correction of HISTORY 5 (Register 95, No. 20).
7. Relocation of subchapter 3 heading from preceding section 55250 to precede section 55200, new article 4 heading and amendment of section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55250.2. Laws or Rules Applicable to Minor Students in Work Experience.

All laws or rules applicable to minors in employment relationships are applicable to minor students enrolled in work–experience education courses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78249, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment of section heading, section and NOTE filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55250.3. "Work Experience Education."

Work-experience education authorized by this article includes the employment of students in part-time jobs selected and approved as having educational value for the students employed therein and coordinated by college employees.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78249, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment of section and NOTE filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55250.4. Funds for Work Experience Programs for Students with Developmental Disabilities.

The governing board of any community college district which establishes and supervises a workexperience education program in which students with developmental disabilities are employed in part-time jobs may use funds derived from any source, to the extent permissible by appropriate law or regulation, to pay the wages of students so employed.

The Board of Governors hereby finds and declares that the authority granted by the provisions of this section is necessary to ensure that the workexperience education program will continue to provide a maximum educational benefit to students, particularly students with developmental disabilities, and that such program is deemed to serve a public purpose.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78249, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment of section heading, section and NOTE filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55250.5. Work-Experience Education Involving Apprenticeable Occupations.

Work-experience education involving apprenticeable occupations shall be consistent with the purposes of chapter 4 (commencing with section 3070) of division 3 of the Labor Code and with standards established by the California Apprenticeship Council.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).

§ 55250.6. Work Experience Outside of District.

The governing board of any community college district may provide for the establishment and supervision of workexperience education programs providing part-time jobs for students in areas outside the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78249, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment of section heading, section and NOTE filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55250.7. Wages and Workers' Compensation.

The governing board of any community college district providing work-experience and work-study education may provide for employment under such program of students in part-time jobs by any public or private employer. Such districts may pay wages to persons receiving such training, except that no payments may be to or for private employers. Districts may provide workers' compensation insurance for students in work experience as may be necessary.

NOTE: Authority Cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78249, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 20).
3. Amendment of section heading, section and NOTE filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55251. Requirements of Plan.

(a) The district plan shall contain the following provisions:

(1) A statement that the district has officially adopted the plan, subject to approval by the State Chancellor.

(2) A specific description of the respective responsibilities of college, student, employer, and other cooperating agencies in the operation of the program.

(3) A specific description for each type of Cooperative Work Experience Education program.

(4) A description of how the district will:

(A) Provide guidance services for students during enrollment in Cooperative Work Experience Education.

(B) Assign a sufficient number of qualified, academic personnel as stipulated in the district plan to direct the program and to assure district services required in section 55255.

(C) Assure that students' on-the-job learning experiences are documented with written measurable learning objectives.

(D) With the assistance of employers, evaluate students on-the-job learning experiences.

(E) Describe basis for awarding grade and credit.

(F) Provide adequate clerical and instructional services.

(b) Prior to implementation, any changes or revisions to the district plan shall be submitted for approval to the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9-29-78; designated effective 1-2-79 (Register 78, No. 39).
3. Amendment of subsection (a)(4)(C) filed 9-29-78; designated effective 7-1-80.
4. Amendment of subsection (a) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
5. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
6. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
7. Editorial correction of HISTORY 6 (Register 95, No. 20).

§ 55252. Types of Cooperative Work Experience Education.

Cooperative Work Experience Education is a district-initiated and district-controlled program of education consisting of the following types:

(a) General Work Experience Education is supervised employment which is intended to assist students in acquiring desirable work habits, attitudes and career awareness. The work experience need not be related to the students' educational goals.

(b) Occupational Work Experience Education is supervised employment extending classroom based occupational learning at an on-the-job

learning station relating to the students' educational or occupational goal.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
3. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 20).
6. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55253. College Credit and Repetition.

(a) For the satisfactory completion of all types of Cooperative Work Experience Education, students may earn up to a total of 16 semester credit hours or 24 quarter credit hours, subject to the following limitations:

(1) General Work Experience Education.

A maximum of six semester credit hours or nine quarter credit hours may be earned in general work experience education.

(2) Occupational Work Experience Education.

A maximum of eight credit hours may be earned in occupational work experience education during one enrollment period up to a total of 16 semester or 24 quarter credit hours.

(b) If a college offers only one course in occupational work experience in a given field and that course is not offered as a variable unit open–entry/open–exit course, the district policy on course repetition adopted pursuant to section 55040 may permit a student to repeat that course any number of times so long as the student does not exceed the limits on the number of units of cooperative work experience education set forth in subdivision (a). Consistent with section 58161, attendance of a student repeating a cooperative work experience course pursuant to this subdivision may be claimed for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
4. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
6. Editorial correction of HISTORY 5 (Register 95, No. 20).
7. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
8. Amendment of section heading and section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55254. Student Qualifications.

In order to participate in Cooperative Work Experience Education students shall meet the following criteria:

(a) Pursue a planned program of Cooperative Work Experience Education which, in the opinion of the Instructor/Coordinator, includes new or expanded responsibilities or learning opportunities beyond those experienced during previous employment.

(b) Have on–the–job learning experiences that contribute to their occupational or education goals.

(c) Have the approval of the academic personnel.

(d) Meet the following condition if self–employed: Identify a person who is approved by academic personnel to serve as the designated employer representative. This representative shall agree in writing to accept the following employer responsibilities:

(1) Assist the student in identifying new or expanded on–the–job learning objectives.

(2) Assist in the evaluation of the student's identified on–the–job learning objectives.

(3) Validate hours worked.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 5–7–71; effective thirtieth day thereafter (Register 71, No. 19).
2. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
3. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
4. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
6. Editorial correction of HISTORY 5 (Register 95, No. 20).
7. Amendment of subsections (b)(1)–(2), repealer of subsections (b)(3)(A)–(B), and amendment of NOTE filed 1–12–98; operative 2–11–98. Submitted to OAL for printing only (Register 98, No. 3).
8. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55255. District Services.

(a) The district shall provide sufficient services for initiating and maintaining on–the–job learning stations, coordinating the program, and supervising students. The supervision of students shall be outlined in a learning agreement coordinated by the college district under a state–approved plan. The employer and the qualified Community College Instructor/Coordinator shall share responsibility for on–the–job supervision, which shall include but not be limited to:

(1) Instructor/Coordinator consultation in person with employers or designated representatives to discuss students' educational growth on the job.

(2) Written evaluation of students' progress in meeting planned on–the–job learning objectives.

(3) Consultation with students in person to discuss students' educational growth on the job.

(b) The district shall provide the above services at least once each quarter or semester for each student enrolled in the Cooperative Work Experience Education. Qualified adjunct faculty may be hired from other institutions to develop the learning contracts and make the "in–person" consultation for a student that is out of a college's geographical region, state, or in another country. For legally indentured apprentices, the requirements of this section may be delegated to the Joint Apprenticeship Committee in order to avoid duplication of supervisory services. The responsibility for compliance with Education Code and title 5 Cooperative Work Experience Education requirements remains with the college.

(c) In certain limited situations that will be defined in guidelines issued by the Chancellor, the district may substitute approved alternatives to "in person" consultations. The guidelines will specify the types of alternatives which districts may approve and the circumstances under which they may be used. In establishing and maintaining guidelines on such alternatives, the Chancellor shall consult with, and rely primarily on the advice and judgment of, the statewide Academic Senate and shall provide a reasonable opportunity for comment by other statewide and regional representative groups.

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).

3. Amendment filed 4–30–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 20).
6. Amendment of subsection (b) and NOTE filed 1–12–98; operative 2–11–98. Submitted to OAL for printing only (Register 98, No. 3).
7. Amendment of subsection (b) and new subsection (c) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55256. Records.

(a) The district shall maintain records which shall include at least the following:

(1) The type and units of Cooperative Work Experience Education in which each student is enrolled, where the student is employed, the type of job held and a statement signed and dated by an academic employee which sets forth the basis for determining whether the student is qualified for Occupational or General Work Experience.

(2) A record of the work permit issued, if applicable, signed by the designated issuing agent.

(3) The employer's or designated representative's statement of student hours worked and evaluation of performance on the agreed–upon learning objectives. Work hours may be verified either by weekly or monthly time sheets or by a summary statement at the end of the enrollment period.

(4) New or expanded on–the–job measurable learning objectives which serve as part of the basis for determining the student's grade, signed by academic personnel, the employer or designated representative, and the student.

(b) Records must be maintained which are signed and dated by academic personnel documenting:

(1) Consultation(s) in person with the employer or designated representative.

(2) Personal consultation(s) with the student.

(3) Evaluation of the student's achievement of the on–the–job learning objectives.

(4) The final grade.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
3. New subsection (a)(4) filed 9–29–78; designated effective 7–1–80 (Register 78, No. 39).
4. Amendment of subsection (a) filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
5. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
6. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
7. Editorial correction of HISTORY 6 (Register 95, No. 20).
8. Amendment of section and NOTE filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55256.5. Work Experience Credit.

(a) One student contact hour is counted for each unit of work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for any classroom instruction and Cooperative Work Experience Education. The maximum contact hours counted for a student shall not exceed the maximum number of Cooperative Work Experience Education units for which the student may be granted credit as described in section 55253.

(b) The learning experience and the identified on–the–job learning objectives shall be sufficient to support the units to be awarded.

(c) The following formula will be used to determine the number of units to be awarded:

(1) Each 75 hours of paid work equals one semester credit or 50 hours equals one quarter credit.

(2) Each 60 hours of non–paid work equals one semester credit or 40 hours equals one quarter credit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 20).

§ 55257. Job Learning Stations.

Job learning stations shall meet the following criteria:

(a) Employers or designated representatives agree with the intent and purposes of Cooperative Work Experience Education for students and are given a copy of each student's approved on–the–job learning objectives.

(b) Job learning stations offer a reasonable probability of continuous work experience for students during the current work experience enrollment term.

(c) Employers or designated representatives agree to provide adequate supervision, facilities, equipment, and materials at the learning stations to achieve on–the–job learning objectives.

(d) Employers agree to comply with all appropriate federal and state employment regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78249, Education Code.

HISTORY

1. Amendment filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment filed 9–29–78; designated effective 1–2–79 (Register 78, No. 39).
3. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 20).
6. Amendment of subsection (d) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 4. Programs and Classes Outside of District

§ 55300. Classes, Property and Buildings Outside of District.

The governing board of a community college district may conduct community college classes and acquire the necessary property and erect the necessary buildings therefore, outside of the boundaries of the district if all of the following conditions exist:

(a) The proposed location is within the state.

(b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the community college, or elsewhere within the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer of chapter 4 (sections 55300–55344, not consecutive) and new chapter 4 (articles 1–5; sections 55300–55360, not consecutive) filed 12–18–78; effective thirtieth day thereafter (Register 78, No. 51). For prior history, see Registers 77, No. 45 and 71, No. 9.

2. Amendment filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).
3. Amendment of chapter 4 heading, repealer of article 1 heading, and amendment of section 55300 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. New article heading filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
6. Editorial correction of HISTORY 4 (Register 95, No. 20).
7. Change without regulatory effect amending section heading, section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
8. Repealer of subchapter 4, article 1 and section and new subchapter 4 (sections 55300-55311) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35). For prior history of subchapter 4, article 2, sections 55370-55380, see Register 2002, No. 26.

§ 55301. Establishment of Courses Outside of District.

The governing board of a community college district may establish courses outside the district primarily for students who are nonresidents of the district, providing one of the following conditions is fulfilled:

(a) The governing board of a high school district in territory that is not included in any community college district requests that community college courses be offered in the high school district.

(b) The governing board of a high school district requests that community college courses be offered in the high school district in accordance with other applicable provisions of law and either:

(1) the community college district where the high school district is located chooses not to offer such courses; or

(2) the courses will be offered only to pupils of the high school and will not be claimed for apportionment by the community college district.

(c) Another community college district requests that community college courses be offered in its territory.

Nothing in this section or any other provision of this subchapter shall be construed to prohibit districts from establishing study abroad programs as described in Education Code section 66015.7 for students who are district residents or students who are not residents of the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55302. Use of Facilities Outside of District.

The governing board of a community college district may conduct community college classes for students who are residents of the district and utilize existing facilities necessary therefor outside of the boundaries of the district if the district is unable to construct adequate facilities within the district because of the failure of the electors of the district to authorize the issuance of bonds for such purpose at an election held for such purpose and if the district is unable to obtain adequate facilities within the district with the funds available to the district for such purpose.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35). For prior history, see Register 83, No. 18.

§ 55303. Contract with Federal Government to Provide Classes and Courses for Servicemen.

The governing board of a community college district may enter into a contract on a full-cost basis with the federal government or any agency of the federal government to provide community college courses and classes to persons in the military service of the United States at any military camp, post, installation, base, vessel, or location, whether within or outside the district or the state.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55304. Classes in a Nursing Program; Insurance.

The governing board of any community college district offering a nursing program, or related program in the healing arts, either in regular graded classes or in classes for adults, may maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.

The governing board may purchase liability insurance for the students with district funds.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55305. Classes for Convalescents in a Hospital Maintained by a County or City in Another County.

Anything in this chapter to the contrary notwithstanding, whenever any county or city and county maintains a tuberculosis ward, hospital or sanitarium in another county of this state, the governing board of any community college district of the county or city and county maintaining such institution, if authorized to maintain classes for adults, may establish and maintain such classes in such institution for pretuberculosis, tuberculosis, and convalescent minors and adults, and the attendance of students in the classes shall be credited to the district maintaining the classes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55306. Classes Outside of State for Aircraft Pilot Training Program.

The governing board of community college district may establish and maintain community college classes outside of the state, comprising a part of an aircraft pilot training program conducted by the district under an agreement with the federal government or any agency thereof, during the time that it is unlawful by reason of any law or order of the federal government or any agency thereof for such classes to be maintained within the district.

The governing board may make such expenditures and do such things in connection with the establishment and maintenance of classes under this section as it could do were the classes established and maintained within the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55307. Location of Required Colleges or Instructional Facilities in District.

Except as provided in this part or in the Education Code, any college or instructional facility required to be maintained by the governing board of a community college district shall be maintained within the boundaries of the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55308. Use of Federal Facilities.

Notwithstanding any other provision of this part to the contrary, whenever under the provisions of section 310 of the act of Congress entitled, "An act relating to the construction of school facilities in areas affected by federal activities, and for other purposes" (Public Law 81–815), or under any similar provisions of any other act of Congress, school facilities are constructed by any agency of the federal government on federal property for the education of students residing on property owned by the federal government, the governing board of the community college district in which such facilities are located or the governing board of any adjacent community college district, may make arrangements with the agency of the federal government to maintain school in such facilities. The students residing on such federal property and attending such school shall be deemed to be residents of the district maintaining such school.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55309. Maintenance of College Outside District.

The maintenance of a college by a district outside the boundaries of the district as provided in sections 55300–55302, inclusive, shall be deemed for all purposes to be or have been the maintenance of a college within the boundaries of the district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55310. Classes Conducted at Airport or County Jail.

The governing board of a community college district coterminous with the boundaries of a city and county, may conduct classes at the airport and at the county jail which are owned and operated by the city and county, outside of the boundaries of the community college district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35). For prior history, see Register 2005, No. 10.

§ 55311. Public School or Nonprofit Organization Facilities.

Special classes for handicapped adults may be conducted under the direction of the governing board of the community college district in workshop and training facilities provided by nonprofit organizations, or in public school facilities.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55312. Transfer. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55314. Faculty and Student Participation. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 78301, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Repealer filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55316. Criteria. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of opening statement, subsection (b) and NOTE filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).
5. Change without regulatory effect amending first paragraph and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55316.5. Additional Courses. [Repealed]

(a) Nontransferable courses designed to meet the requirements of sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of last paragraph and NOTE filed 8–31–98; operative 9–30–98. Submitted to OAL for printing only (Register 98, No. 36).
3. Amendment of subsection (b) filed 12–3–2001; operative 1–2–2002. Submitted to OAL for printing only (Register 2001, No. 50).
4. Amendment of section and NOTE filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).
5. Change without regulatory effect amending first paragraph filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55317. Ongoing Responsibilities of Districts. [Repealed]

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. New section filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).
2. Amendment of subsection (b), last paragraph and NOTE filed 8–31–98; operative 9–30–98. Submitted to OAL for printing only (Register 98, No. 36).
3. Amendment of subsections (b)–(c) filed 12–3–2001; operative 1–2–2002. Submitted to OAL for printing only (Register 2001, No. 50).
4. Repealer filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55318. Written Record. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 78310, Education Code. Reference: Sections 70901, 70902, and 78310, Education Code.

HISTORY

1. Amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Repealer filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).

§ 55320. Academic Standards. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer of article 3 heading filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55321. Student Progress. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55322. Availability of Instructor. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55323. Learning Assistance. [Repealed]

NOTE: Authority cited: Sections 71020, 78310, 84500 and 84520, Education Code. Reference: Sections 78310, 84500 and 84520, Education Code.

HISTORY

1. Amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 12–17–84; effective thirtieth day thereafter (Register 84, No. 51).

§ 55340. Eligibility for State Funds. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Repealer of article 4 heading and amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of section and NOTE filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).
4. Editorial correction of HISTORY 2 (Register 95, No. 20).
5. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55342. Average Daily Attendance. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55343. Grades Awarded. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55344. Enrollment. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55346. Records. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55348. Supervision. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55350. Instruction. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 20).
4. Change without regulatory effect amending first paragraph, subsection (d) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55352. Number of Students. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 78310, Education Code.

HISTORY

1. Repealer and new section filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18). For prior history, see Register 91, No. 23.
2. Repealer filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 55360. Evaluation Reports. [Repealed]

NOTE: Authority cited: Sections 71020, 84500, and 84520, Education Code. Reference: Sections 84500(a)(2) and 84520, Education Code.

HISTORY

1. Repealer of Article 5 heading and Section 55360 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

Subchapter 5. Educational Master Plans [Repealed]

§ 55400. Definitions. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New chapter 5 (sections 55400 through 55405) filed 7–1–71; effective thirtieth day thereafter (Register 71, No. 27).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Sub-

mitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

4. Amendment of section filed 6–11–91; operative 7–11–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 45).
5. Amendment of NOTE filed 6–11–91; operative 7–11–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 92, No. 1).
6. Editorial correction of HISTORY 3 (Register 95, No. 20).
7. Repealer of subchapter 5 (sections 55400–55405) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55401. Current and Long Range Plans. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Change without regulatory effect amending section and adding NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55402. Educational Master Plans. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment of section and new NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55403. Form. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Change without regulatory effect adding NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55404. Contents. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Change without regulatory effect amending section and adding NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55405. Review and Approval. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of section and new NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 5.5. Excursions and Field Trips [Repealed]

§ 55450. Excursions or Field Trips. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in section heading and subsection (e) (Register 91, No. 43).
3. Amendment of subsection (d) and repealer of subsection (e) filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 20).
5. New subchapter 5.5 heading filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Repealer of subchapter 5.5 (sections 55450–55451) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55451. Provision for Medical or Hospital Service for Students. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section heading and text filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 20).
4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 6. Matriculation Programs

Article 1. Scope and Definitions

§ 55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour–Campbell Matriculation Act of 1986, Statutes 1986, chapter 1467, codified as Education Code sections 78210, et seq. The purpose of this subchapter is to further equality of educational opportunity and success for all students in the California Community Colleges.

(b) The requirements of this subchapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210–78218, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (a) and repealer of subsection (c) filed 4–3–92; operative 5–4–92 (Register 92, No. 17).
3. Amendment of section and NOTE filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55502. Definitions.

For purposes of this subchapter, the following definitions shall apply:

(a) "Matriculation" means a process that brings a college and an enrolled student into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements. This agreement is to be implemented by means of the student's individual educational plan developed pursuant to section 55525.

(b) "Assessment" means the process of gathering information about individual students to facilitate student success. Assessment shall include, but is not limited to, information regarding the student's study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment involves the collection of such information at any time before or after enrollment, except that the process by which an instructor assigns a grade or otherwise evaluates the extent

to which a student has achieved the objectives of a course shall not be considered part of the assessment process. Once a grade has been assigned and recorded on a student's transcript, it can be used in the assessment process.

(c) "Assessment instruments, methods, or procedures" means one or more assessment instruments, assessment methods, or assessment procedures, or any combination thereof. These include, but are not limited to, interviews, standardized tests, holistic scoring processes, attitude surveys, vocational or career aptitude and interest inventories, high school or college transcripts, specialized certificates or licenses, educational histories and other measures of performance. The term "assessment instruments, methods, or procedures" also includes assessment procedures such as the identification of test scores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment sessions are conducted, the manner in which assessment results are made available, and the length of time required before such results are available. The term "assessment instrument" does not include a test which is used solely to determine whether a student who has formally challenged a prerequisite or corequisite pursuant to subdivision (m)(4) of section 55003 has the knowledge or ability to succeed in a course or program despite not meeting the prerequisite or corequisite.

(d) "Disproportionate impact" occurs when the percentage of persons from a particular racial, ethnic, gender, age or disability group who are directed to a particular service or placement based on an assessment instrument, method, or procedure is significantly different from the representation of that group in the population of persons being assessed, and that discrepancy is not justified by empirical evidence demonstrating that the assessment instrument, method or procedure is a valid and reliable predictor of performance in the relevant educational setting.

(e) "Exemption" means waiving or deferring a student's participation in orientation, assessment, counseling, or advisement required pursuant to subdivisions (b), (c), and (f) of section 55520.

(f) "Matriculation services" are those services listed in section 55520.

(g) "Matriculation practices" means one or more instruments, methods, or procedures, or any combination thereof, used in providing any of the matriculation services listed in section 55520.

(h) "Orientation" is a process which acquaints students and potential students with college programs, services, facilities and grounds, academic expectations, and institutional procedures.

(i) "Student follow–up" is the process of monitoring a student's progress toward his or her educational goals and providing the student with appropriate advice based on the results of such monitoring.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78212 and 78213, Education Code.

HISTORY

1. Amendment of subsection (a) and (b) and new subsections (g), (h), (i), (j) and (k) filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsections (a) and (c)–(k) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of first paragraph and subsections (b)–(c), repealer of subsection (d), subsection relettering and amendment of newly designated subsections (e)–(g) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Amendment of subsections (a)–(c), repealer of subsection (h) and subsection relettering filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Article 2. Planning and Administration

§ 55510. Matriculation Plans.

(a) Each community college district shall adopt a matriculation plan describing the services to be provided to its students. The plan shall include, but not be limited to:

(1) a description of the methods by which required services will be delivered;

(2) the district's budget for matriculation;

(3) plans for faculty and staff development;

(4) computerized information services and institutional research and evaluation necessary to implement this subchapter;

(5) criteria for exempting students from participation in the matriculation process;

(6) procedures for establishing and periodically reviewing prerequisites pursuant to section 55003;

(7) procedures for considering student challenges to prerequisites established pursuant to section 55003; and

(8) in districts with more than one college, arrangements for coordination by the district of the matriculation plans of its various colleges.

(b) The plan shall be developed through consultation with representatives of the academic senate, students, and staff with appropriate expertise, pursuant to section 51023 et seq.

(c) Such plans shall conform to the requirements of this subchapter and shall be submitted to the Chancellor for review and approval. The Chancellor may require periodic updates of such plans.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
3. Amendment of subsection (a)(6), new subsection (a)(7) and subsection renumbering filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment of subsections (a)(4), (a)(6), (a)(7) and (c) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55512. Evaluation and Audits.

(a) Each community college district shall establish a program of institutional research for ongoing evaluation of its matriculation process to ensure compliance with the requirements of this subchapter.

As part of this evaluation, all assessment instruments, methods or procedures shall be evaluated to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, districts shall determine whether any assessment instrument, method or procedure has a disproportionate impact on particular groups of students described in terms of ethnicity, gender, age or disability, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact. The evaluation shall include, but not be limited to, an analysis of the degree to which the matriculation program:

(1) impacts on particular courses, programs, and facilities;

(2) helps students to define their educational goals;

(3) promotes student success, as evidenced by outcome and retention data such as student persistence, goal attainment, skill improvement, and grades;

(4) assists the district in the assessment of students' educational needs;

(5) matches district resources with students' educational needs; and

(6) provides students with the support services described in section 55520(g).

(b) Each district shall also, as part of its annual financial audit, provide for a review of the revenue and expenditures of the matriculation program.

(c) The Chancellor shall establish a system for evaluation of the matriculation program on a statewide basis, including procedures for monitoring compliance with the requirements of this subchapter.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, Education Code.

HISTORY

1. Amendment filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

2. Change without regulatory effect amending subsections (a), (a)(6) and (c) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55514. Data Collection.

Each community college district shall submit an annual report describing the district's efforts to implement its matriculation plan and expenditures made for that purpose. In this report, or through the established management information system or otherwise, the data to be collected for evaluation purposes pursuant to Education Code section 78214 and section 55512 of this subchapter. Such data shall specifically include, but is not limited to, the information necessary to permit the Chancellor to determine the following:

(a) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who are placed in nondegree–applicable credit courses, degree–applicable credit courses, or transfer level courses in reading, writing, computation or English as a Second Language.

(b) the proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, who enter and complete nondegree–applicable basic skills courses.

(c) The proportion of students from various ethnic, gender, age or disability groups, as defined by the Chancellor, completing nondegree–applicable basic skills courses who subsequently enter and complete degree–applicable credit courses;

(d) outcome and retention data, as described in section 55512(a), indicating the effectiveness of matriculation;

(e) the basis on which the use of particular assessment instruments, methods or procedures was validated by a district;

(f) the numbers of students exempted, pursuant to section 55532, from participation in the district's matriculation program, by category of exemption;

(g) the number of students filing complaints pursuant to section 55534 and the bases of those complaints;

(h) the particular matriculation services, as listed in section 55520, which each student received; and

(i) any other matter the Chancellor, after consultation with community college districts, deems necessary for the effective evaluation of matriculation programs.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78214, Education Code.

HISTORY

1. Amendment filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsections (a)–(c) and (g) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55516. Training and Staff Development.

Each community college district shall develop and implement a program for providing all faculty and staff with training appropriate to their needs on the provision of matriculation services, including but not limited to, the proper purpose, design, evaluation, and use of assessment instruments, methods or procedures, as well as their limitations and possible misuse.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55518. Funding.

(a) The Chancellor shall adopt a funding formula, consistent with the requirements of this section, for allocating matriculation funds to community college districts complying with the requirements of this subchapter.

(b) Each dollar of state matriculation funding shall be matched by three dollars of other district resources devoted to the matriculation program.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78216, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).
2. Amendment of subsection (a) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 3. Matriculation Services

§ 55520. Required Services.

At a minimum, each community college district shall provide students, except as exempted pursuant to section 55532, with all of the following matriculation services:

(a) the processing of applications for admission;

(b) orientation and pre–orientation services designed to provide nonexempt students and potential students, on a timely basis, information concerning college procedures and course scheduling, academic expectations, financial assistance, and any other matters the college or district finds appropriate;

(c) assessment for all nonexempt students pursuant to section 55524;

(d) counseling or advisement for nonexempt students pursuant to section 55523;

(e) assistance in developing a student educational plan pursuant to section 55525, which identifies the student's educational objectives and the courses, services, and programs to be used to achieve them;

(f) post enrollment evaluation, pursuant to section 55526, of each student's progress; and

(g) referral of students to:

(1) support services which may be available, including, but not limited to, counseling, financial aid, health services, campus employment placement services, Extended Opportunity Programs and Services, campus child care services, tutorial services, and Disabled Students Programs and Services; and

(2) specialized curriculum offerings including but not limited to, pre–collegiate basic skills courses and programs in English as a Second Language.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

HISTORY

1. Amendment filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55521. Prohibited Practices.

(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:

(1) use an assessment instrument which has not been approved by the Chancellor pursuant to section 55524, except that the Chancellor may permit limited field–testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

(2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

(3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

(4) use any assessment instrument, method or procedure to exclude any person from admission to a community college, except that a college may determine the admission of special part-time or full-time students under Education Code section 76002 based on an assessment which involves multiple measures and complies with other requirements of this subchapter;

(5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to sections 55002 and 55003; or

(6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by subchapter 5 (commencing with section 59300) of chapter 10.

(b) Notwithstanding the provisions of subdivisions (a)(1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of section 1091 of title 20 of the United States Code.

(c) Notwithstanding paragraphs (1), (2), (3) or (5) of subdivision (a) or the provisions of sections 55003 or 55524, a community college district may use an assessment test to select students for its nursing program, provided that:

(1) the district complies with all other provisions of this subchapter;

(2) the assessment instrument is used in conjunction with other assessment instruments, methods or procedures to select students for enrollment in the nursing program; and

(3) the Chancellor has determined that the assessment instrument predicts likelihood of success in nursing programs, has approved use of the assessment instrument for that purpose and has established statewide proficiency cut-off scores for that instrument pursuant to Education Code section 78261.

NOTE: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 76002, 78211, 78213 and 78261, Education Code.

HISTORY

1. Amendment of subsections (d), (e) and (f) filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (a) and redesignating following subsections (1)-(6), adoption of subsection (b) and amendment of NOTE filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
3. Amendment of subsections (a)(1) and (a)(5)-(b), new subsections (c)-(c)(3) and amendment of NOTE filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Amendment of subsection (a)(4) and NOTE filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55522. Special Accommodations.

Matriculation services for ethnic and language minority students and students with disabilities, shall be appropriate to their needs, and community college districts shall, where necessary, make modifications in the matriculation process or use alternative instruments, methods or procedures to accommodate the needs of such students. Districts may require students requesting such accommodations to provide proof of need. Extended Opportunity Programs and Services (EOPS) and Disabled Students Programs and Services (DSPS) are authorized, consistent with the provisions of subchapter 1 (commencing with section 56000) and subchapter 2.5 (commencing with section 56200) of chapter 7, to provide specialized matriculation services and modified or alternative matriculation services to their respective student populations. Notwithstanding this authorization, participation in the EOPS and DSPS programs is voluntary and no student may be denied necessary accommodations in the assessment process because he or she chooses not to use specialized matriculation services provided by these programs. Modified or alternative matriculation services for limited or non-English-speaking students may be provided in English as a Second Language programs.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700, 70901 and 78213, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 78211 and 78213, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55523. Counseling and Advisement.

(a) If not already required to do so by the minimum standards for counseling services set forth in section 51018, each community college district shall do all of the following:

(1) make reasonable efforts to ensure that all nonexempt students who are on probation participate in counseling as provided in section 55034;

(2) make reasonable efforts to ensure that all nonexempt students who have not declared a specific educational goal participate in counseling to assist them in the process of selecting a specified educational goal pursuant to section 55525;

(3) make reasonable efforts to ensure that all nonexempt students who are enrolled in nondegree-applicable basic skills courses participate in counseling or advisement; and

(4) make available to all students, advisement or counseling on general academic requirements and the selection of specific courses by counselors or appropriately trained instructor/advisors, and/or other appropriately trained staff working in consultation with counselors.

(b) Counseling by appropriately trained counselors or advisement by appropriately trained staff may also be made available in any other area the district deems appropriate, including but not limited to, the interpretation of assessment results and the development of a student's educational plan as required by section 55525.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).
2. Amendment filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
3. Amendment of subsection (a)(4) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55524. Assessment.

The Chancellor shall establish and update, at least annually, a list of approved assessment instruments and guidelines for their use by community college districts. These guidelines shall identify modifications of an assessment instrument or the procedures for its use which may be made in order to provide special accommodations required by section 55522 without separate approval by the Chancellor. Such guidelines shall also describe the procedure by which districts may seek to have assessment instruments approved and added to the list. The Chancellor shall ensure that all assessment instruments included on the list minimize or eliminate cultural or linguistic bias, are normed on the appropriate populations, yield valid and reliable information, identify the learning needs of students, make efficient use of student and staff time, and are otherwise consistent with the educational and psychological testing standards of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

NOTE: Authority cited: Sections 66700, and 70901, Education Code. Reference: Section 78213, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-6-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

§ 55525. Student Educational Plan.

(a) Each community college district shall establish a process for assisting students to select a specific educational goal within a reasonable time after admission as required by Section 55530 (d). This shall include, but not be limited to, the provision of counseling as required by Section 55523(a)(2).

(b) Once a student has selected a specific educational goal, the district shall afford the student the opportunity to develop a student educational plan describing the responsibilities of the student, the requirements he or she must meet, and the courses, programs, and services required to achieve the stated goal.

(c) The student educational plan developed pursuant to Subsection (b) shall be recorded in written or electronic form. The plan and its implementation shall be reviewed as necessary to ensure that it continues to accurately reflect the needs and goals of the student.

(d) If a student believes the district has failed to make good faith efforts to develop a plan, has failed to provide services specified in the student educational plan, or has otherwise violated the requirements of this Section, the student may file a complaint pursuant to Section 55534 (a).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 78212, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).
2. Amendment of subsections (a), (c) and (d) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 55526. Student Follow–up.

Each community college district shall establish a student follow–up process to assist the student in achieving his/her educational goal. The follow–up system shall ensure that the academic progress of each student is regularly monitored to detect early signs of academic difficulty and students shall be provided with advice or referral to specialized services or curriculum offerings where necessary. Districts shall also identify and refer to counseling or advisement, as appropriate pursuant to section 55523(a), any students who have not declared a specific educational goal as required by section 55530, who are enrolled in pre–collegiate basic skills courses, or who have been placed on probation.

NOTE: Authority cited: Sections 66700 and 70901, Educational Code. Reference: Section 78212, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governor's, California Community Colleges, with the Secretary of State, operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).

Article 4. Appeals, Waivers, Student Rights and Responsibilities

§ 55530. Student Rights and Responsibilities.

(a) Nothing in this subchapter shall be construed to interfere with the right of a student admitted to a community college in accord with district admission policies adopted pursuant to Education Code sections 76000, et seq. to enroll in any course for which he or she can meet necessary and appropriate prerequisites, if any, which have been established pursuant to the requirements of section 55003.

(b) Community college districts shall take steps to ensure that information is available in written form to all students during or prior to enrollment (e.g., during orientation) and is included in class schedules, catalogs or other appropriate publications, describing their rights and responsibilities under this subchapter.

(c) Districts shall also take steps to ensure that the matriculation process is efficient so that students are not discouraged from participating in college programs. Whenever possible, students should be permitted to avoid additional testing by submitting scores on recently taken tests that correlate with those used by the district.

(d) Students shall be required to express at least a broad educational intent upon admission; declare a specific educational goal within a reasonable period after admission; participate in counseling or advisement pursuant to section 55523(a)(1), (2), and (3); diligently attend class and complete assigned coursework; and complete courses and maintain progress toward an educational goal according to standards established by the district, consistent with the requirements of subchapter 1 (commencing with section 55000) of this chapter. The governing board of each community college district shall adopt clear written policies not inconsistent with law, specifically defining these responsibilities of students and the consequences of failure to fulfill such responsibilities. This policy shall define the period of time within which a student must identify a specific educational goal as required by this subdivision, provided however, that all students shall be required to declare such a goal during the term after which the student completes 15 semester units or 22 quarter units of degree–applicable credit course work, unless the district policy establishes a shorter period. Once the student has developed a specific educational goal, the district must provide the student with an opportunity to develop a student educational plan pursuant to section 55525. Student responsibilities shall also be identified in the student's educational plan developed pursuant to section 55525. If a student fails to fulfill the responsibilities listed in this subdivision, fails to cooperate with the district in the development of a student educational plan within 90 days after declaring his or her specific educational goal, or fails to abide by the terms of his or her student educational plan, the district may, subject to the requirements of this subchapter, suspend or terminate the provision of services authorized in section 55520, provided however, that nothing in this section shall be construed to permit a district to suspend or terminate any service to which a student is otherwise entitled under any other provision of law.

(e) Information obtained from the matriculation process shall be considered student records and shall be subject to the requirements of subchapter 6 (commencing with section 54600) of chapter 5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76000, 76001 and 78212, Education Code.

HISTORY

1. Amendment filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsection (b) filed 4–3–92; operative 5–4–92 (Register 92, No. 15).
3. Amendment of subsections (a), (b) and (d) filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Amendment of subsections (a) and (d) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55532. Exemptions.

(a) Community college districts may elect to exempt certain students from participation in orientation, assessment, counseling or advisement, as required by subdivisions (b), (c), or (d) of section 55520. Each such district shall establish policies specifying the grounds for exemption. Such policies shall be identified in the matriculation plan required under section 55510 and the number of students so exempted shall be reported, by category, to the Chancellor pursuant to section 55514.

(b) District policies may exempt from orientation, assessment, counseling, or advisement any student who has completed an associate degree or higher.

(c) Any student exempted pursuant to this section shall be notified that he or she is covered by an exemption and shall be given the opportunity to choose whether or not to participate in that part of the matriculation process.

(d) District policies may not use any of the following as the sole criterion for exempting any student who does not wish to participate:

(1) the student has enrolled only in evening classes;

(2) the student has enrolled in fewer than some specified number of units;

(3) the student is enrolled exclusively in noncredit courses;

(4) the student is undecided about his or her educational objectives; or

(5) the student does not intend to earn a degree or certificate.

(e) As part of the statewide evaluation provided for under subdivision (c) of section 55512, the Chancellor shall analyze and recommend necessary changes regarding the impact on the matriculation program of the exemption policies adopted by community college districts.

NOTE: Authority cited: Sections 66700, 70901, and 78215, Education Code.Reference: Section 78215, Education Code.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (b), new subsection (d)(3), subsection renumbering and amendment of subsection (e) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 55534. Violations, Waivers and Appeals.

(a) Each community college district shall establish written procedures by which students may challenge any alleged violation of the provisions of this subchapter. Districts shall investigate and attempt to resolve any such complaints in a timely manner. Such complaint procedures may be consolidated with existing student grievance procedures by action of the governing board. Records of all such complaints shall be retained for at least three years after the complaint has been resolved and shall be subject to review by the Chancellor as part of the statewide evaluation required under section 55512(c).

(b) When a challenge contains an allegation that a community college district has violated the provisions of section 55521(a)(6), the district shall, upon completion of the challenge procedure established pursuant to this section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10. Completion of the challenge procedure shall be deemed to be an effort at informal resolution of the complaint under section 59327.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700 and 70901, Education Code. Reference: Sections 11135–11139.5, Government Code; Sections 78211 and 78213, Education Code.

[The next page is 377.]

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
3. Amendment of subsection (b) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 7. Contract Education

Article 1. Contracts with Providers of Career Technical Education

§ 55600. Definitions.

For the purposes of this subchapter the following definitions apply:

(a) "Vocational education contract" or "career technical education contract" means a written agreement between any community college district and a contractor which meets standards prescribed herein to provide career technical instruction to students enrolled in community colleges. Such agreements shall also be required to comply with the provisions of article 5 (commencing with section 8090) of chapter 1, part 6 of the Education Code.

(b) "The California State Plan for Vocational Education" or "Carl D. Perkins Career Technical Education Act of 2006 California State Plan" means an official agreement between the United States Commissioner of Education and the California State Board of Education which provides standards, policies, and procedures that shall apply to the operation of various phases of career technical education to qualify for financial support from the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109–270), or any successor federal legislation.

(c) "Contractor" as used in section 55602 means any private postsecondary school authorized or approved pursuant to the provisions of chapter 7 of part 59 of division 10 of the Education Code (commencing with section 94700), and which has been in operation not less than two (2) full calendar years prior to the effective date of the contract, to provide career technical skill training authorized by the Education Code and this subchapter.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (object of expenditure code 6000 as defined in the California Community Colleges Budget and Accounting Manual).

(e) "Public or private postsecondary educational institution in a neighboring state that borders on the district boundary" for purposes of Education Code section 8092.5 means a public or private institution which:

(1) is located in a neighboring state that borders on the district boundary; and

(2) is a contractor under subdivision (c); or

(3) a private postsecondary school that meets standards established by the Chancellor.

(f) "Qualified faculty of the district" for purposes of section 55630(e) may include persons who have entered into contracts with the district pursuant to section 58058(b).

NOTE: Authority cited: Sections 8092, 66700, 70901 and 71024, Education Code. Reference: Title 20, United States Code Sections 2301, et seq.; and Chapter 1, Article 5 (commencing with Section 8090), Division 1 and Section 70901, Education Code.

HISTORY

1. New chapter 7 (sections 55600 through 55631, not consecutive) filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of subchapter 1 heading, amendment of article 1 heading, and repealer and new section 55600 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Amendment filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
6. Editorial correction of HISTORY 4 (Register 95, No. 22).
7. Amendment of first paragraph and subsection (c), new subsections (e)–(f) and amendment of NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
8. Amendment of subchapter heading, article heading, section and NOTE filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55601. Appointment of Vocational Education Advisory Committee.

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of the general public knowledgeable about the educational needs of disadvantaged populations, students, teachers, business, industry, the college administration, and the field office of the Employment Development Department.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25). For prior history, see Register 83, No. 18.
2. Amendment of section heading and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55602. Authority to Contract.

(a) Any community college district or districts may contract with a private postsecondary school authorized or approved pursuant to the provisions of chapter 7 of part 59 of division 10 of the Education Code (commencing with section 94700) or described in Education Code section 8092.5 and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code and this subchapter. Any community college district may contract with an activity center, work activity center, or sheltered workshop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to section 41976(a)(5) of the Education Code.

(b) All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

(c) Meet the standards described in section 55620.

(d) Include the terms and conditions described in section 55630.

(e) The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a con-

tract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

NOTE: Authority cited: Sections 8092, 66700, 70901 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Part 6, Division 1, Section 70901 and Chapter 7 (commencing with Section 94700) of Part 59, Division 10, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55602.5. Contracts for Vocational Education for Students with Disabilities.

Notwithstanding any other provision of law, the governing board of a community college district may enter into a contract with a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation to provide vocational education of community college students with disabilities. All instruction pursuant to this section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The attendance of such community college students participating in training under the provisions of this section may be claimed for purposes of state apportionment by the community college district, and college credit may be granted to students who satisfactorily complete the course of instruction.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 22).
5. Amendment of section heading and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55603. Instructional Purpose. [Repealed]

NOTE: Authority cited: Sections 8092, 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 22).
4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55604. Application for Approval. [Repealed]

NOTE: Authority cited: Sections 8092, 71020, 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year in length;

(b) Be approved by the Chancellor;

(c) Be accompanied with an explanation of the need for intended offerings.

(d) Be maintained in conformity with applicable provisions of this division, the Education Code, the California Community Colleges Budget and Accounting Manual, and the Carl D. Perkins Career Technical Education Act of 2006 California State Plan; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

NOTE: Authority cited: Sections 8092, 66700, 70901 and 71024, Education Code. Reference: Article 5 (commencing with Section 8090), Chapter 1, Part 6, Division 1, Title 1, and Section 70901, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 22).
5. Change without regulatory effect amending subsection (d) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55606. Administration. [Repealed]

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 55607. Reporting. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Article 5 (commencing with section 8090), of chapter 1, part 6, division 1, title 1, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 22).
5. Amendment of section and NOTE filed 3–2–2005; operative 4–1–2005. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2005, No. 10).
6. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55608. Accounting Procedure. [Repealed]

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

Article 2. Contracting Standards

§ 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 22).

Article 3. Contract Provisions

§ 55630. Terms and Conditions.

Each contract shall expressly include but not be limited to, the following provisions:

(a) The governing board of the community college district has determined, by resolution, the appropriateness of offering the program through a contract with a contractor pursuant to Education Code section 78015.

(b) Methods for identifying eligible costs and payment procedures for compliance with section 55602.

(c) Procedures, terms and conditions relating to:

(1) enrollment period;

(2) transfer of students between the community college district and contractor;

(3) number of class hours sufficient to meet the stated performance objectives;

(4) supervision and evaluation of students; and

(5) withdrawal of students prior to completion of a course or program.

(d) A description of the ancillary and support services which the district and the contractor will provide for the students including, but not limited to:

(1) counseling and guidance; and

(2) placement assistance.

(e) Provisions ensuring that instruction will be provided under the immediate supervision and control of qualified faculty of the district.

(f) Performance objectives for each instructional area and the requirement for a report by the contractor regarding accomplishment of the objectives at the end of each contract period.

(g) A requirement that the contractor maintain records of student attendance and achievement and provide such records to the community college district upon request or according to a specified schedule.

(h) Terms and conditions relating to cancellation and termination of the contract.

(i) A certification that the contractor is in compliance with title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq. and 2000e et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.), section 504 of the federal Vocational Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Age Discrimination Act (42 U.S.C. § 6101), the U.S. Presidential Executive Order 11246 and subsequent amendments (if applicable), California Fair Employment and Housing Act (Gov. Code, §§12900 et seq.), the California Unruh Civil Rights Act (Civ. Code, §§ 51–53), and all applicable state and federal health and safety regulations.

(j) A requirement that the contractor provide, when required by law and at the contractor's own expense, workers' compensation insurance coverage for any student.

(k) A certification that the contractor provides indemnity and defense for the state and the community college district and their respective officers and employees, against any and all claims and liability for death, injury, loss and damage arising out of, or in any manner connected with, the performance of the contract. Such indemnity and defense shall be provided by an appropriate hold harmless clause and a policy of liability insurance coverage, the cost of which is to be borne by the contractor. Such policy shall name the Board of Governors of the California Community Colleges, the State and the community college district, along with their respective officers and employees as additional insureds.

(*l*) Minimum qualifications established by subchapter 4 (commencing with section 53400) of chapter 4 apply to persons who provide instruction under contracts entered into pursuant to Education Code section 8092.5, except that a district contracting for instruction under section 58058(b) may substitute a valid certificate to work or license to practice in the neighboring state for a certificate to work or license to practice in California under section 53417.

NOTE: Authority cited: Sections 8090, 66700, 70901 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Division 1 and Section 70901, Education Code.

HISTORY

1. Repealer and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 22).
4. Amendment of subsections (b), (i) and (k), new subsection (*l*) and amendment of NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55631. Terms and Conditions. [Repealed]

NOTE: Authority cited: Sections 71020, 8092, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090) of Division 1 of the Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of subsection (d) filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
3. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

Article 4. Regional Adult and Vocational Education Councils [Repealed]

§ 55650. Regulations Reference. [Repealed]

NOTE: Authority cited: Section 8023, Education Code. Reference: Article 2, Chapter 1 (commencing with Section 8020), Division 1, Education Code.

HISTORY

1. New subchapter 2 (section 55650) filed 4–22–76; effective thirtieth day thereafter (Register 76, No. 17).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Redesignation of subchapter 2 (section 55650) to article 4 (section 55650) filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 22).

Article 5. Calculation and Payment of Excess Costs of Apprenticeship Classes

§ 55675. Regulations Reference.

Pursuant to the authority vested by section 3074 of the Labor Code, the State Board of Education, the Board of Governors of the California Community Colleges and the Division of Apprenticeship Standards have jointly issued regulations regarding excess costs to be borne by program sponsors. These regulations are set forth in article 10 (commencing with section 235) of subchapter 1 of chapter 2, division 1 of title 8, California Code of Regulations, and shall govern the calculation and payment of excess costs of apprenticeship classes which are maintained in connection with community colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 3074, Labor Code.

HISTORY

1. New subchapter 3 (section 55675) filed 7–8–76; effective thirtieth day thereafter (Register 76, No. 28).
2. Editorial correction replacing text inadvertently omitted during printing (Register 80, No. 9).
3. Redesignation of subchapter 3 (section 55675) to article 5 (section 55675) and amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of sections submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
5. Editorial correction of first paragraph (Register 91, No. 31).
6. Change without regulatory effect amending section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 8. Academic Calendar

Article 1. 175–Day Minimum Academic Calendar

§ 55700. Scope.

The provisions of this article pertain to changes made to any traditional academic year calendar consisting of at least 35 weeks of instruction and evaluation. The conversion to a flexible calendar operation is not addressed by the provisions of this article; rather, the provisions of article 2 (commencing with section 55720) govern the flexible calendar option.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 8, articles 1–4 (sections 55700–55731, not consecutive) filed 5–7–76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 8 (articles 1–4, sections 55700–55731, not consecutive) and new chapter 8 (articles 1 and 2, sections 55700–55732, not consecutive) filed 7–26–82; designated effective 7–30–82 pursuant to Government Code section 11346.2(d) (Register 82, No. 31). For prior history, see Register 80, No. 11.
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 22).
6. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55700.1. Studies on a Quarter System, Trimester Basis or Flexible Calendar.

At the request of a community college district, the Chancellor may approve a program of studies on a quarter system or a trimester basis, or a flexible calendar.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

§ 55701. College and Academic Year.

(a) The "college year" begins on the first day of July and ends on the last day of June. The "academic year" means that portion of the college year during which the community college is maintained, which period shall include not less than 175 days of instruction as defined by section 58120. The academic year does not include summer or other intersessions.

(b) Under no circumstances may a district adopt an academic calendar which results in provision of less than 32 weeks of instruction (inclusive of days of final examination) during the primary terms of each academic year. Nor may a district adopt an academic calendar which would result in fewer hours of instruction per unit of credit awarded than permitted pursuant to section 55002.5.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55702. Approval of Changes.

(a) Prior to any change in academic year configuration, including the addition, deletion, shortening or lengthening of any primary term, the governing board of a district shall obtain the approval of the Chancellor.

(b) Requests for approval shall be made on a form provided by the Chancellor, and shall address or provide:

(1) A complete description of the calendar configuration;

(2) The district's ability to comply with the 175–Day Rule as provided in section 58142; and

(3) The educational implications, positive and negative, of the proposed change.

(c) The Chancellor shall approve a requested change in a college's academic year configuration if it is found that:

(1) The state aid implications of the requested change have been addressed; and

(2) The district will be able to comply with the 175–Day Rule; and

(3) The change in configuration is consistent with the continued delivery of quality education.

NOTE: Authority cited: Sections 66700, 70901, and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).
4. Amendment of subsections (a), (b) and (c) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Article 2. Flexible Calendar Operations

§ 55720. Operating Under Flexible Calendar; Accountability of Employees; Activities.

(a) Subject to the approval of the Chancellor pursuant to section 55724, a community college district may designate an amount of time in each fiscal year for employees to conduct staff, student, and instructional improvement activities. These activities may be conducted at any time during the fiscal year. The time designated for these activities shall be known as "flexible time."

(b) A district with an approved flexible calendar may designate as flexible time for an employee not more than 8.57 percent of that employee's

contractual obligation for hours of classroom instruction which are eligible for state apportionments in that academic year, exclusive of any intersessions.

(c) Under no circumstances may a district operate a flexible calendar program which results in an academic calendar which would be inconsistent with the requirements of subdivision (b) of section 55701.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Sections 70901 and 84890, Education Code.

HISTORY

1. Amendment of subsection (b) filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).
2. Repealer and new section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
3. Editorial correction of printing error in section heading (Register 92, No. 18)
4. Amendment of subsections (a) and (c) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Amendment of section heading and subsection (a) and repealer of subsection (c) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
6. Amendment of section heading and new subsection (c) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55722. Schedule Configurations.

A flexible calendar is a community college calendar and course scheduling plan pursuant to Section 84890 of the Education Code and Section 55720 of this Part which may include, but is not limited to, the following scheduling configurations:

(a) 4–1–4 calendar comprised of two 16–week semesters with an intersession;

(b) traditional semester or quarters with some or all courses scheduled irregularly with respect to the number of times the course meets per week or the number of hours the courses meet during the scheduled days;

(c) modular scheduling for all or part of the courses within the traditional semester, quarter, or academic year;

(d) courses scheduled for student enrollment on an open entry–open exit basis:

(e) courses scheduled independently of any term configuration; or

(f) a combination of any one or more of the configurations in subdivisions (a) through (e).

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Sections 70901 and 84890, Education Code.

HISTORY

1. Amendment filed 6–8–83; effective thirtieth day thereafter (Register 83, No. 24).
2. Repealer filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).
3. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).

§ 55724. Request for Approval.

(a) The governing board of a district wishing to conduct a flexible calendar pursuant to this article shall obtain the advance approval of the Chancellor. The request for approval shall be on a form provided by the Chancellor, and shall address at least the following:

(1) A complete description of the calendar configuration.

(2) The number of days of instruction and evaluation which will meet the requirements of the 175–Day Rule (Section 58120 of this part).

(3) The number of days during which instructional staff will participate in staff, student, and instructional improvement activities in lieu of part of regular classroom instruction.

(4) The activities which college personnel will be engaged in during their designated staff, student and instructional improvement days. Activities for college personnel may also include, but need not be limited to, the following:

(A) course instruction and evaluation;

(B) staff development, in–service training and instructional improvement.

(C) program and course curriculum or learning resource development and evaluation;

(D) student personnel services;

(E) learning resource services;

(F) related activities, such as student advising, guidance, orientation, matriculation services, and student, faculty, and staff diversity;

(G) departmental or division meetings, conferences and workshops, and institutional research;

(H) other duties as assigned by the district;

(I) the necessary supporting activities for the above;

(5) A certification that all college personnel, as defined, will be involved in at least one of the activities authorized in subsection (4). For the purposes of this section, "all college personnel" shall include any district employee specified by the district in its approved plan to participate in such activities; and

(6) A certification that the district will fully implement the provisions of Section 55730, as well as a description of the current status of such implementation, and a timetable for completion of the initial implementation.

(b) The Chancellor shall approve a request which is found to be complete and meets the requirements of law.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 7).

§ 55726. Activities During Designated Days.

(a) For each instructor specified by the district to participate in staff, student, and instructional improvement activities in lieu of classroom instruction the district shall enter into an agreement with such employee specifying the particular activities during the designated days which the instructor will perform in lieu of classroom instruction. The agreement shall also specify the number of classroom hours which are being substituted with such activities, and the number of hours the instructor is required to spend carrying out the in–lieu–of instruction activities. The required hours of in–lieu–of instruction activities must at least be equal to the sum of the classroom hours from which the instructor is released plus those out–of–classroom hours of responsibilities which will no longer need to be performed as the result of being released from classroom instruction.

(b) For each employee specified by the district to participate in staff, student and instructional improvement activities during the designated days the district shall also maintain records on the type and number of activities assigned, and the number of such employees participating in these activities.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment of NOTE filed 10–25–91; operative 11–24–91 (Register 92, No. 7).

§ 55728. Flexible Calendar Attendance Reporting.

(a) On forms provided by the Chancellor, districts with approved flexible calendar operations shall report at least the following:

(1) the total hours of classroom assignments (teaching time) which instructors specified in the district's approved plan were required to teach;

(2) of the total in Subsection (a)(1), the total faculty contact hours of instruction for which staff, student, and instructional improvement activities are being substituted. This total of faculty contact hours shall further be reported in terms of credit and noncredit faculty contact hours of instruction; and

(3) the number of faculty contact hours of instruction for which instruction during the designated days is being substituted. Such instruction during the designated days meeting the attendance accounting standards may be claimed for apportionment; and the faculty contact hours shall not be eligible for adjustment pursuant to Section 55729.

(b) Districts with approved flexible calendar operations shall also report such additional data as deemed necessary by the Chancellor including any data necessary to compute the FTES adjustment specified in Section 55729.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. New section filed 11–10–82; effective thirtieth day thereafter (Register 82, No. 46).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 7).

3. Amendment of subsections (a)(1), (a)(3), (b) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Amendment of subsections (a)(2)–(b) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 55729. Full–Time Equivalent Student (FTES) Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.

(a) The Chancellor's Office shall adjust the actual units of full–time equivalent student of a district operating under a plan approved in accordance with this article to reflect the conduct of staff, student, and instructional improvement activities in lieu of scheduled instruction during flexible time. The adjusted units of full–time equivalent student shall be computed by multiplying the actual units of full–time equivalent student in the academic year, exclusive of any intersessions, computed pursuant to section 58003.1, by a factor which does not change the full–time equivalent student which would have otherwise been generated if the time for the improvement activities had not been permitted and scheduled instruction had instead taken place.

(b) For courses other than those described in subdivision (b) of section 58003.1, the multiplier factor shall equal the sum of the following:

(1) 1.0; and

(2) the total of all the actual hours of flexible time of all instructors pursuant to section 55720 in the fiscal year, divided by the total of all the actual hours of classroom instruction of all instructors in the academic year, exclusive of any intersessions.

(c) For those courses described in subdivision (b) of section 58003.1, this multiplier factor shall equal the term length multiplier applicable to the district.

(d) The Chancellor shall also withhold the appropriate amount of state aid whenever there is a final audit finding that an instructor did not spend at least as much time performing staff, student, and instructional improvement activities as the amount of time he or she was released from classroom instruction.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of section heading and text filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a), (b), (b)(2) and (c) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55730. Ongoing Responsibilities of Districts.

A district conducting an approved flexible calendar shall do all of the following to ensure effective use of resources during flex days:

(a) conduct and annually update a survey of the most critical staff, student, and instructional improvement needs in the district;

(b) develop and carry out a plan of activities to address the critical needs;

(c) maintain records on the description, type and number of activities scheduled and the number of district employees and students participating in these activities;

(d) evaluate annually the effectiveness of conducted activities and update the plan to reflect needed changes;

(e) appoint and hold regular meetings of an advisory committee composed of faculty, students, administrators and other interested persons to make recommendations on staff, student, and instructional improvement activities; and

(f) provide, upon request of the Chancellor, copies of documents and information specified in Subsections (a) through (d), inclusive.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 7).

§ 55732. Ongoing Responsibilities of the Chancellor.

The Chancellor shall:

(a) Adjust state aid for districts with approved flexible calendar operations in accordance with the provisions of section 55729;

(b) Periodically review documentation from selected districts to determine whether they are in compliance with the provisions of sections 55720, 55726, 55728, and 55730, and to determine whether they are conducting their flexible calendar operations in a manner consistent with the approved requests. Districts which are found to be out of compliance shall be notified and be given an opportunity to respond; and

(c) Terminate approval of any flexible calendar operation if it is found that the district has, without good cause:

(1) failed to conduct its flexible calendar operation in a manner consistent with its approved request;

(2) failed to comply with the requirements of section 55720;

(3) failed to carry out the responsibilities specified in section 55726; or

(4) failed to meet its ongoing responsibilities as specified in section 55730.

NOTE: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

HISTORY

1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
2. Amendment filed 5–15–93; operative 6–14–93 (Register 93, No. 25).
3. Amendment of subsections (a)–(b), new subsection (c)(2) and subsection renumbering filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55750. Regulations. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. New chapter 9 (sections 55750–55765) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 22).
4. Repealer of subchapter 9 (sections 55750–55765) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55751. Grading Practices. [Repealed]

NOTE: Authority cited: Sections 66700, 70901, 71020, and 71024, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55752. Credit–No Credit Options. [Repealed]

NOTE: Authority cited: Sections 70901 and 71020, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55753. Credit by Examination. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Amendment filed 1–4–2002; operative 7–1–2002. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2002, No. 8).

4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55753.5. Articulation of High School Courses. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700, 70901 and 70902, Education Code.

HISTORY

1. New section filed 1–4–2002; operative 7–1–2002. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2002, No. 8).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55753.7. Advanced Placement Examinations. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700, 70901 and 70902, Education Code.

HISTORY

1. New section filed 1–4–2002; operative 7–1–2002. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2002, No. 8).
2. Change without regulatory effect amending second paragraph and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55754. Standards for Probation. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55755. Removal from Probation. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55756. Standards for Dismissal. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55756.5. Remedial Coursework Limit. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 84500, Education Code; and Statutes of 1988, Chapter 973, Section 68.

HISTORY

1. New section filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–6–90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55757. Units Attempted. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55758. Academic Record Symbols and Grade Point Average. [Repealed]

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of subsection (c) filed 5–20–91 and submitted to OAL on 5–24–91 for printing only pursuant to Education Code section 10901.5; operative 6–19–91 (Register 91, No. 31).
3. Editorial correction of printing error in NOTE (Register 91, No. 43).
4. Editorial correction restoring omitted definition of "Military Withdrawal" and its HISTORY NOTE (Register 92, No. 5).
5. Editorial correction of HISTORY 1 (Register 95, No. 22).
6. Amendment of subsection (a), new subsection (b), subsection relettering, amendment of newly designated subsection (c), and amendment of NOTE filed 1–12–98; operative 2–11–98. Submitted to OAL for printing only (Register 98, No. 3).
7. Amendment of subsection (a), new subsection (c), subsection relettering, and amendment of newly designated subsections (d) and (e) filed 12–8–2000; operative 1–7–2001. Submitted to OAL for printing only (Register 2000, No. 50).
8. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55758.5. Grade Point Averaging. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55759. Notification of Probation and Dismissal. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).
4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55760. Grade Changes. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 76224, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55761. District Policy for Course Repetition. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Sub-

mitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Amendment filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55762. Course Repetition: Implementation. [Repealed]

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer of subsection (d), subsection relettering, and amendment of NOTE filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
4. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55763. Course Repetition: Special Circumstances. [Repealed]

NOTE: Authority cited: Section 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Amendment of section and NOTE filed 3-25-98; operative 4-24-98. Submitted to OAL for printing only (Register 98, No. 14).
4. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55764. District Policy for Academic Renewal Without Course Repetition. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55765. Academic Renewal Without Course Repetition: Implementation. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76224, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in NOTE (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).
4. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 9. Libraries

§ 55800. Annual Report to Chancellor.

The governing board of each community college district shall, on or before August 31st of each year, report to the Chancellor on the condition of district libraries, for the preceding fiscal year. The report shall, in addition to other matters deemed appropriate by the governing board or the librarians, contain such statistical and other information as is deemed desirable by the Chancellor. For this purpose the Chancellor may send to the districts instructions and/or forms so as to obtain the material for a comparative study of library conditions in the state.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New chapter 10 (sections 55800–55810, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 22).
4. Repealer of former subchapter 10 (sections 55800–55810), new subchapter 9 (section 55800) and repealer and new section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55800.5. Minimum Credit Hours for Graduation from Two-Year Course. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55801. Definitions. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55802. Associate in Arts Degree (Applicable Until July 1, 1983). [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 and 70901, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55803. Associate in Science Degree (Applicable Until July 1, 1983). [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701 and 70901, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 55805. Philosophy and Criteria for Associate Degree and General Education. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).

3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55805.5. Types of Courses Appropriate to the Associate Degree. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. New section filed 10–7–88; operative 11–6–88 (Register 88, No. 42).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 22).
4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55806. Minimum Requirements for the Associate Degree. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Editorial correction of subsection (b)(1)(A) filed 7–19–83; designated effective 8–12–83 (Register 83, No. 29).
2. New section filed 10–7–88; operative 11–6–88 (Register 88, No. 42).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of printing error in NOTE (Register 91, No. 43).
5. Editorial correction of HISTORY 3 (Register 95, No. 22).
6. Amendment of section heading, first paragraph, subsections (a), (b)(1)–(b)(1)(A), (b)(2) and (c) and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
7. Amendment filed 11–29–2006; operative 12–29–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 2).
8. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55807. Conversion to Credit. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 78405, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55808. Certificate of Achievement. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55809. Duty to Grant Diploma. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55810. Implementation by Governing Boards. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66701, 70901 and 70902, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Change without regulatory effect repealing section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 11. New Colleges and Education Centers [Repealed]

§ 55825. Responsibilities of District Governing Boards. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. New chapter 11 (sections 55825–55831, not consecutive) filed 7–13–83; effective thirtieth day thereafter (Register 83, No. 29).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of printing error (Register 91, No. 43).
4. Editorial correction of HISTORY 2 (Register 95, No. 22).
5. Repealer of former subchapter 11 (sections 55825–55831) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55827. Definitions. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 66700, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of subsections (a), (a)(3) and (b) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).
4. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55828. Responsibilities of the Chancellor's Office, Community College Districts and the Board of Governors. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 66700, 81800 and 81805, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55829. Assessment of Needs and Preferences. [Repealed]

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55830. Identification of Objectives. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55831. Analysis of Alternative Delivery Systems. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 81810, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 12. Libraries [Repealed]

§ 55840. Appointment and Qualification of District Librarian. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. New subchapter 12 heading filed 5–15–93; operative 6–14–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 22).
4. Repealer of former subchapter 12 (sections 55840–55841) and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 55841. Annual Report by Governing Board to Department of Education. [Repealed]

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 22).
3. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Chapter 7. Special Programs

Subchapter 1. Disabled Student Programs and Services

Article 1. General Provisions and Definitions

§ 56000. Scope of Chapter.

This subchapter applies to community college districts offering support services, or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code sections 67310 et seq. and 84850.

Programs receiving funds allocated pursuant to Education Code section 84850 shall meet the requirements of this subchapter. Any support services or instruction funded, in whole or in part, under the authority of this subchapter must:

(a) not duplicate services or instruction which are otherwise available to all students;

(b) be directly related to the educational limitations of the verified disabilities of the students to be served;

(c) be directly related to the students' participation in the educational process;

(d) promote the maximum independence and integration of students with disabilities; and

(e) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code section 66010.4.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310 et seq. and 84850, Education Code.

HISTORY

1. Repealer of chapter 1 (sections 56000–56062) and new chapter 1 (sections 56000–56088, not consecutive) filed 12–17–76 as an emergency; effective upon filing. Designated inoperative 90 days after filing (Register 76, No. 51). For prior history, see Register 73, No. 44.
2. Repealer of chapter 1 (sections 56000–56088, not consecutive) and new chapter 1 (sections 56000–56088) filed 3–15–77; effective thirtieth day thereafter (Register 77, No. 12).
3. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
4. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Repealer of chapter 1 (sections 56000–56088, not consecutive) and new chapter 1 (sections 56000–56088, not consecutive) filed 3–29–88; operative 4–28–99 (Register 88, No. 16).
6. Amendment of first and second paragraphs, repealer of subsections (a) and (f), amendment of newly designated subsections (a)–(d), new subsection (e), and amendment of NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
7. Change without regulatory effect amending first two paragraphs, subsection (e) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56002. Student with a Disability.

A "student with a disability" or "disabled student" is a person enrolled at a community college who has a mental or physical disability as defined in Government Code section 12926 which imposes an educational limitation as defined in section 56004. For purposes of reporting to the Chancellor under section 56030, students with disabilities shall be reported in the categories described in sections 56032–44.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310 et seq. and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56004. Educational Limitation.

As used in this subchapter, "educational limitation" means disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from fully benefiting from classes, activities, or services offered by the college to nondisabled students, without specific additional support services or instruction as defined in Section 56005.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56005. Support Services or Instruction.

As used in this subchapter, "support services or instruction" means any one or more of the services listed in Section 56026, special class instruction authorized under Section 56028, or both.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. New section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56006. Determination of Eligibility.

(a) In order to be eligible for support services or instruction authorized under this chapter, a student with a disability must have an impairment which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.

(b) The existence of an impairment may be verified, using procedures prescribed by the Chancellor, by one of the following means:

(1) observation by DSPS professional staff with review by the DSPS coordinator;

(2) assessment by appropriate DSPS professional staff; or

(3) review of documentation provided by appropriate agencies or certified or licensed professionals outside of DSPS.

(c) The student's educational limitations must be identified by appropriate DSPS professional staff and described in the Student Education Contract (SEC) required pursuant to Section 56022. Eligibility for each service provided must be directly related to an educational limitation consistent with Section 56000(b) and Section 56004.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56008. Student Rights.

(a) Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.

(b) Receiving support services or instruction authorized under this subchapter shall not preclude a student from also participating in any other course, program or activity offered by the college.

(c) All records maintained by DSPS personnel pertaining to students with disabilities shall be protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Subchapter 2 (commencing with Section 54600) of Chapter 5 of this Division.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56010. Student Responsibilities.

(a) Students receiving support services or instruction under this subchapter shall:

(1) comply with the student code of conduct adopted by the college and all other applicable statutes and regulations to student conduct;

(2) be responsible in their use of DSPS services and adhere to written service provision policies adopted by DSPS; and

(3) make measurable progress toward the goals established in the student's Student Educational Contract or, when the student is enrolled in a regular college course, meet academic standards established by the college pursuant to subchapter 1 of chapter 6.

(b) A district may adopt a written policy providing for the suspension or termination of DSPS services where a student fails to comply with subdivisions (a)(2) or (a)(3) of this section. Such policies shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this policy upon first applying for services from DSPS.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–67312 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
3. Amendment of subsection (a)(3) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 56012. Communication Disability.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY
1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56014. Learning Disability.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY
1. New section filed 3–29–88; operative 4–28–88 (Register 88, NO. 16).
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56016. Acquired Brain Injury.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56018. Developmentally Delayed Learner.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No.18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

Article 2. DSPS Services

§ 56020. Availability of Services.

Each community college district receiving funds pursuant to this subchapter shall employ reasonable means to inform all students and staff about the support services or instruction available through the DSPS program.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Amendment and repositioning of article 2. heading and repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56022. Student Educational Contract.

A Student Educational Contract (SEC) is a plan to address specific needs of the student. An SEC must be established upon initiation of DSPS services and shall be reviewed and updated annually for every student with a disability participating in DSPS. The SEC specifies those regular and/or special classes and support services identified and agreed upon by both the student and DSPS professional staff as necessary to meet the student's specific educational needs. The SEC shall be reviewed annually by a DSPS professional staff person to determine whether the student has made progress toward his/her stated goals(s).

Whenever possible the SEC shall serve as the Student Educational Plan (SEP) and shall meet the requirements set forth in Section 55525 of this division. In addition, for students in noncredit special classes, each SEC shall include, but need not be limited to a description of the criteria used to evaluate the student's progress.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY
1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Amendment of section heading, section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
3. Editorial correction of NOTE (Register 2006, No. 17).

§ 56024. Measurable Progress.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56026. Support Services.

Support services are those specialized services available to students with disabilities as defined in Section 56002, which are in addition to the regular services provided to all students. Such services enable students to participate in regular activities, programs and classes offered by the college. They may include, but need not be limited to:

(a) Basic fixed cost administrative services associated with the ongoing administration and operation of the DSPS program. These services include:

(1) Access to and arrangements for adaptive educational equipment, materials and supplies required by students with disabilities;

(2) Job placement and development services related to transition to employment;

(3) Liaison with campus and/or community agencies, including referral to campus or community agencies and follow–up services;

(4) Registration assistance relating to on or off–campus college registration, including priority enrollment assistance, application for financial aid and related college services;

(5) Special parking, including on–campus parking registration or, while an application for the State handicapped placard or license plate is pending, provision of a temporary parking permit.

(6) Supplemental specialized orientation to acquaint students with environmental aspects of the college and community.

(b) Continuing variable cost services which fluctuate with changes in the number of students or the unit load of the students. These services include, but are not limited to:

(1) Test–taking facilitation, including arrangement, proctoring and modification of test and test administration for students with disabilities;

(2) Assessment, including both individual and group assessment not otherwise provided by the college to determine functional educational and vocational levels or to verify specific disabilities;

(3) Counseling, including specialized academic, vocational, personal, and peer counseling services specifically for students with disabilities, not duplicated by ongoing general counseling services available to all students;

(4) Interpreter services, including manual and oral interpreting for hearing–impaired students;

(5) mobility ability assistance (on–campus), including manual or motorized transportation to and from college courses and related educational activities;

(6) notetaker services, to provide assistance to students with disabilities in the classroom;

(7) reader services, including the coordination and provision of services for students with disabilities in the instructional setting;

(8) speech services provided by a licensed speech/language pathologist for students with verified speech disabilities;

(9) transcription services, including, but not limited to, the provision of braille and print materials;

(10) transportation assistance (off–campus), only if not otherwise provided by the college to all students, where public accessible transportation is unavailable, and is deemed inadequate by the Chancellor's Office;

(11) specialized tutoring services not otherwise provided by the college;

(12) outreach activities designed to recruit potential students with disabilities to the college;

(13) accommodations for participation in co–curricular activities directly related to the student's enrollment in state–funded educational courses or programs; and

(14) repair of adaptive equipment donated to the DSPS program or purchased with funds provided under this subchapter.

(c) One–time variable costs for purchase of DSPS equipment, such as adapted educational equipment, materials, supplies and transportation vehicles.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Amendment of section heading, section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56027. Academic Accommodations.

Each community college district receiving funding pursuant to this subchapter shall establish a policy and procedure for responding to, in a timely manner consistent with Section 53203 of this division, accommodation requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504 Coordinator, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. New section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56028. Special Classes Instruction.

Special classes are instructional activities designed to address the educational limitations of students with disabilities who would be unable to substantially benefit from regular college classes even with appropriate support services or accommodations. Such classes generate revenue based on the number of full–time equivalent students (FTES) enrolled in the classes.

Such classes shall be open to enrollment of students who do not have disabilities, however, to qualify as a special class, a majority of those enrolled in the class must be students with disabilities.

Special classes offered for credit or noncredit shall meet the applicable requirements for degree credit, non–degree credit, or noncredit set forth in Sections 55002 and 55705.5 of this part. In addition, special classes shall:

(a) Be designed to enable students with disabilities to compensate for educational limitations and/or acquire the skills necessary to complete their educational objectives;

(b) Employ instructors who meet minimum qualifications set forth in Section 53414 of this Division.

(c) Utilize curriculum, instructional methods, or materials specifically designed to address the educational limitations of students with disabilities. Curriculum committees responsible for reviewing and/or recommending special class offerings shall have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied; and

(d) Utilize student/instructor ratios determined to be appropriate by the District given the educational limitations of the students with disabilities enrolled in each class. Class size should not be so large as to impede measurable progress or to endanger the well–being and safety of students or staff.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88 operative 4–29–88 (Register 88, No. 16).
2. Amendment of section heading, section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56029. Special Class Repeatability.

Repetition of special classes is subject to the provisions of article 4 (commencing with section 55040) of subchapter 1 of chapter 6 and section 58161. However, districts are authorized to permit additional repetitions of credit or noncredit special classes to provide an accommodation to a student's educational limitations pursuant to state and federal nondiscrimination laws. Districts shall develop policies and procedures providing for repetition under the following circumstances:

(a) When continuing success of the student in other general and/or special classes is dependent on additional repetitions of a specific special class;

(b) When additional repetitions of a specific special class are essential to completing a student's preparation for enrollment into other regular or special classes; or

(c) When the student has a student educational contract which involves a goal other than completion of the special class in question and repetition of the course will further achievement of that goal.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–67312 and 84850, Education Code; and title 29 United States Code section 794.

HISTORY

1. New section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
2. Amendment of section heading, first paragraph, subsection (a) and NOTE filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
3. Amendment of first paragraph filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Article 3. Reports, Plans and Program Requirements

§ 56030. Reporting Requirements.

Each community college district receiving funding pursuant to this subchapter shall submit such reports (including budget and fiscal reports described in Article 4) as the Chancellor may require. When submitting such reports, districts shall use the disability categories set forth in Sections 56032–44 and shall conform to the reporting format, procedures, and deadlines the Chancellor may additionally prescribe.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Amendment and repositioning of article 3. heading and repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56032. Physical Disability.

Physical disability means a visual, mobility or orthopedic impairment.

(a) Visual impairment means total or partial loss of sight.

(b) Mobility or orthopedic impairment means a serious limitation in locomotion or motor function.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56034. Communication Disability.

Communication disability is defined as an impairment in the processes of speech, language or hearing.

(a) Hearing impairment means a total or partial loss of hearing function which impedes the communication process essential to language, educational, social and/or cultural interactions.

(b) Speech and language impairments mean one or more speech/language disorders of voice, articulation, rhythm and/or the receptive and expressive processes of language.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56036. Learning Disability.

Learning disability is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. This dysfunction continues despite instruction in standard classroom situations. To be categorized as learning disabled, a student must exhibit:

(a) Average to above–average intellectual ability;

(b) Severe processing deficit(s);

(c) Severe aptitude–achievement discrepancy(ies); and

(d) Measured achievement in an instructional or employment setting.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56038. Acquired Brain Impairment.

Acquired brain impairment means a verified deficit in brain functioning which results in a total or partial loss of cognitive, communicative, motor, psycho–social, and/or sensory–perceptual abilities.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56040. Developmentally Delayed Learner.

The developmentally delayed learner is a student who exhibits the following:

(a) below average intellectual functioning; and

(b) potential for measurable achievement in instructional and employment settings.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56042. Psychological Disability.

(a) Psychological disability means a persistent psychological or psychiatric disorder, or emotional or mental illness.

[The next page is 381.]

(b) For purposes of this subchapter, the following conditions are not psychological disabilities:

(1) transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; and

(3) psychoactive substance abuse disorders resulting from current illegal use of drugs.

(c) In developing the allocation formula required under Section 56072, the Chancellor shall assign a zero weight to students with psychological disabilities until such time as the state budget provides additional funds to serve this population.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56044. Other Disabilities.

This category includes all students with disabilities, as defined in Section 56002, who do not fall into any of the categories described in Sections 56032–42, but who indicate a need for support services or instruction provided pursuant to Sections 56026 and 56028.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Editorial correction of printing error in subsection (a) (Register 91, No. 31).
3. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56046. DSPS Program Plan.

(a) Each district receiving funding pursuant to this subchapter shall submit to the Chancellor, at such times as the Chancellor shall designate, a DSPS program plan for each college within the district. Upon approval by the Chancellor, the plan shall be a contract between the District and the Chancellor. Expenditures of funds appropriated pursuant to this subchapter must conform to the approved plan.

(b) Each district shall submit updates to its program plan to the Chancellor upon request.

(c) The program plan shall be in the form prescribed by the Chancellor and shall contain at least all of the following:

(1) long–term goals of the DSPS program;

(2) the short–term measurable objectives of the program;

(3) the activities to be undertaken to accomplish the goals and objectives; and

(4) a description of the methods used for program evaluation.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No.18.
2. Amendment of section heading, section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56048. Staffing.

(a) Persons employed pursuant to this subchapter as counselors or instructors of students with disabilities shall meet minimum qualifications set forth in Section 53414 of Subchapter 4 of Chapter 4 of this Division.

(b) Each district receiving funds pursuant to this subchapter shall designate a DSPS Coordinator for each college in the district. For the purpose of this section, the Coordinator is defined as that individual who has responsibility for the day–to–day operation of DSPS. The designated Coordinator must meet the minimum qualifications for a DSPS counselor or instructor set forth in Section 53414(a) through (d) or meet the minimum qualifications for an educational administrator set forth in Section 53420 and, in addition, have two (2) years full–time experience or the equivalent within the last four (4) years in one or more of the following fields:

(1) instruction or counseling or both in a higher education program for students with disabilities;

(2) administration of a program for students with disabilities in an institution of higher education;

(3) teaching, counseling or administration in secondary education, working predominantly or exclusively in programs for students with disabilities; or

(4) administrative or supervisory experience in industry, government, public agencies, the military, or private social welfare organizations, in which the responsibilities of the position were predominantly or exclusively related to persons with disabilities.

(c) Districts receiving funding pursuant to this subchapter may also employ classified and/or paraprofessional support staff. Support staff shall function under the direction of a DSPS counselor, instructor, or Coordinator as appropriate for the support services or instruction being provided.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56050. Advisory Committee.

Each district receiving funds pursuant to this subchapter shall establish, at each college in the district, an advisory committee which shall meet not less than once per year.

The advisory committee shall, at a minimum, include a student with disabilities and representatives of the disability community and agencies or organizations serving persons with disabilities.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310 et seq. and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
3. Change without regulatory effect amending second paragraph and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56052. Evaluation.

The Chancellor shall conduct evaluations of DSPS programs to determine their effectiveness. Each college shall be evaluated at least once every five years. The evaluation shall at a minimum, provide for the gathering of outcome data, staff and student perceptions of program effectiveness, access requirements of the Americans with Disabilities Act (42 USC 12101 et seq.), Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), compliance with Education Code Section 67311.5 with respect to parking for persons with disabilities, and data on the implementation of the program as outlined in Education Code Section 84850.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code; and 29 U.S.C. Sec. 794.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56054. Special Projects.

(a) Community college districts receiving funding pursuant to this subchapter shall cooperate to the maximum extent possible with the Chancellor in carrying out special projects. Such projects may include, but are not limited to, task force meetings, research studies, model programs, conferences, training seminars, and other activities designed to foster program development and accountability. Such special projects shall be funded from the three percent set aside authorized pursuant to Education Code Section 84850(e).

(b) Where such special projects fund services to students, such students need not meet the eligibility criteria otherwise required under this subchapter, but such students shall meet any eligibility requirements which the Chancellor may prescribe.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56056. Authorized Professional Staff.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–888 (Register 88, No. 16). For prior history, see Register 83, No.18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56058. Coordinator of Disabled Student Programs and Services.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

Article 4. Funding and Accountability

§ 56060. Basis of Funding.

Any community college district shall be entitled to receive funding pursuant to Education Code Section 84850 to offset the direct excess cost, as defined in Section 56064, of providing support services or instruction, or both, to students with disabilities enrolled in state-supported educational courses or programs.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Amendment and repositioning of article heading and repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56062. Provision of Support Services or Instruction.

A community college district will be deemed to have "provided support services or instruction" to a student with a disability, as required by section 56060, if the student is enrolled in a special class or is enrolled in a regular class and received four or more service contacts per year with the DSPS program.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310 et seq. and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Editorial correction of printing error in first paragraph (Register 91, No. 31).
3. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56064. Direct Excess Costs.

Direct excess costs are those actual fixed, variable, and one-time costs (not including indirect administrative costs, as defined in Section 56068) for providing support services or instruction, as defined in Sections 56026 and 56028, which exceed the combined total of the following:

(a) the average cost to the district of providing comparable services (as defined in Section 56066) to nondisabled students times the number of students receiving such services from DSPS;

(b) the revenue derived from special classes as provided in Section 56070; and

(c) any other funds for serving students with disabilities which the district receives from federal, state, or local sources other than discretionary district funds.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Editorial correction of printing error in first paragraph (Register 91, No. 31).
3. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56066. Comparable Services.

(a) As used in Section 56064, "comparable services" are those services which are comparable to services available from a college to its nondisabled students. These services include, but are not limited to:

(1) job placement and development as described in Section 56026(a)(2);

(2) registration assistance as described in Section 56026(a)(4);

(3) special parking as described in Section 56026(a)(5);

(4) assessment as described in Section 56026(b)(2);

(5) counseling as described in Section 56026(b)(3);

(6) tutoring as described in Section 56062(b)(11); and

(7) outreach as described in Section 56026(b)(12).

(b) Districts which claim reimbursement for direct excess costs for comparable services as defined in subdivision (a) must, for each college in the district:

(1) certify that the service in question is not offered to nondisabled students; or

(2) collect and report to the Chancellor, on forms prescribed by the Chancellor, data showing the number of new and the number of continuing students with disabilities enrolled in credit courses who received one or more such services, in whole or in part, from DSPS.

(c) The Chancellor shall adjust the allocation of each district by the number, if any, of students reported pursuant to subdivision (b)(2), times the applicable credit student services funding rates for new and continuing students calculated pursuant to Article 4 (commencing with Section 58730) of Subchapter 4 of Chapter 9 of this Division.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56068. Indirect Administrative Costs.

As used in Section 56064, the term "indirect administrative costs" means any administrative overhead or operational cost, including but not limited to, the following:

(a) college administrative support costs, such as staff of the college business office, bookstore, reproduction center, etc.;

(b) administrative salaries and benefits, with the exception of the DSPS Coordinator;

(c) indirect costs, such as heat, light, power, telephone, FAX, gasoline and janitorial;

(d) costs of construction, except for removal or modification of minor architectural barriers;

(e) staff travel costs for other than DSPS-related activities or functions;

(f) costs for on- and off-campus space and plant maintenance;

(g) the cost of office furniture (e.g., desks, bookcases, filing cabinets, etc.);

(h) costs of dues or memberships for DSPS staff;

(i) rent of off-campus space;

(j) costs for legal matters, election campaigns or audit expenses;

(k) building costs, even if the new building were for exclusive use of DSPS;

(*l*) books or other resource material purchases for the general or main library; or

(m) equipment which is not, in whole or part, adapted for use by students with disabilities.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).

2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56070. Revenue from Special Classes.

(a) For purposes of section 56064 (b), the revenue derived from special classes shall be calculated by adding together the following:

(1) the FTES instructional non–credit rate times the number of units of FTES in noncredit special classes; and

(2) the FTES instructional credit rate, not including indirect administrative costs, times the number of units of FTES in credit special classes for each college in the District.

(b) Revenue from special classes shall be used for provision of support services or instruction pursuant to sections 56026 and 56028 and shall not be used for indirect administrative costs as defined in section 56068.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310 et seq. and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
3. Amendment of subsection (a), repealer of subsection (b), subsection relettering, amendment of newly designated subsection (b) and amendment of NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56072. Allocations; Reports; Audits; Adjustments.

(a) The Chancellor shall adopt an allocation formula which is consistent with the requirements of this subchapter. The Chancellor shall use this formula to make advance allocations of funding provided pursuant to Section 56060 to each community college district consistent with the district's approved DSPS program plan and the requirements of this Article.

(b) A portion, not to exceed 10 percent, of the allocation may be based on the amount of federal, state, local, or district discretionary funds which the district has devoted to serving students with disabilities. Provided, however, that in no event shall any district be entitled to receive funding which exceeds the direct excess cost, as defined in Section 56064, of providing support services or instruction to student with disabilities.

(c) Each district shall submit such enrollment and budget reports as the Chancellor may require.

(d) The Chancellor shall provide for audits of DSPS programs to determine the accuracy of the reports required pursuant to subdivision (c).

(e) The Chancellor may, based on audit findings or enrollment/budget reports, adjust the allocation of any district to compensate for over or under–allocated amounts in the current fiscal year or any of the three immediately preceding fiscal years.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56074. Accounting for Funds.

Each community college district shall establish a unique budget identifier code to separately account for all funds provided pursuant to this subchapter. The district shall certify through fiscal and accounting reports prescribed by the Chancellor that all funds were expended in accordance with the requirements of this subchapter.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56076. Other Resources.

As a condition of receiving funds pursuant to this subchapter, each community college district shall certify that reasonable efforts have been made to utilize all funds from federal, state, or local sources which are available for serving students with disabilities.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310–12 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer and new section filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56078. Average Daily Attendance Apportionment (ADA) for Classes Offered Through DSP&S.

NOTE: Authority cited: Sections 71020, 78600 and 84850 , Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56080. Determination of Direct Excess Costs.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600, and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No.16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56082. Adjustments to Allocation.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56084. District Fiscal Responsibility and Contribution.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56086. Expenses Not Funded.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. New section filed 3–29–88; operative 4–28–88 (Register 88, No. 16).
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56088. Other Support Funds.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

HISTORY

1. Repealer and new section filed 3–29–88; operative 4–28–88 (Register 88, No. 16). For prior history, see Register 83, No. 18.
2. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

Subchapter 2. Extended Opportunity Programs and Services*

NOTE: Authority cited: Sections 66948, 66952, 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42 of the Education Code.

HISTORY

1. Repealer of Chapter 2 (Sections 56100–56198) filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46). For prior history, see Registers 78, No. 3; 74, No. 26; 73, No. 26; 72, No. 29; 71, No. 8; and 70, No. 50.

*Chapter 2 (Sections 56100–56198) superseded by provisions of Chapter 2.5 (Sections 56200–56296) as of 7–1–77.

Subchapter 2.5. Extended Opportunity Programs and Services

Article 1. General Provisions and Definitions

§ 56200. Implementation.

This subchapter implements, and should be read in conjunction with, article 8 (commencing with Section 69640), chapter 2, part 42, division 5, title 3, of the Education Code. The definitions in this article apply to the requirements of this subchapter.

NOTE: Authority cited: Sections 69648, 69652 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New Chapter 2.5 (Sections 56200–56296, not consecutive) filed 10–8–76; designated effective 7–1–77 (Register 76, No. 41).
2. Amendment filed 8–16–77; effective thirtieth day thereafter (Register 77, No. 34).
3. Repealer of Chapter 2.5 (Sections 56200–56296, not consecutive) and new Chapter 2.5 (Sections 56200–56293, not consecutive) filed 8–10–79; effective thirtieth day thereafter (Register 79, No. 32). For prior history, see Registers 77, No. 34; 77, No. 45; 78, No. 26 and 78, No. 39.
4. Repealer filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
5. Repealer of Subchapter 1 heading, amendment of Article 1 heading, and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
6. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
7. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56201. Waiver.

The Chancellor is authorized to waive any part or all of Articles 3 and 5. Waiver requests must be submitted to the Chancellor in writing by the district superintendent/chancellor setting forth in detail the reasons for the request and the resulting problems caused if the request were denied.

NOTE: Authority cited: Sections 69648, 69649 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56202. Full–Time Student.

"Full–Time Student" means a student, who during a regular semester or quarter, is enrolled in a minimum of 12 credit units or the equivalent in community college courses. Full–time student for a summer or inter session shall be defined by the college district.

NOTE: Authority cited: Sections 69648, and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56203. Participation.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56204. Student Served.

For purposes of allocating EOPS funds, conducting audits and evaluations, an EOPS student served is a person for whom, at minimum, the EOPS program has documentation in the student's file of an EOPS application, educational plan, and mutual responsibility contract developed pursuant to section 56222(c).

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Registers 83, No. 18 and 81, No. 3.
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56206. EOPS Information.

The Chancellor shall require districts receiving EOPS funds to identify students served and the level and type of programs and services each student received.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56208. Advisory Committee.

Each EOPS program shall have an Advisory Committee appointed by the president of the college upon recommendation of the EOPS Director. The purpose of the advisory committee is to assist the college in developing and maintaining effective extended opportunity programs and services. The term of each committee member shall be for two years, July 1 of the year of appointment to June 30 of the second succeeding year. Members may serve more than one term. The committee shall consist of no fewer members than the members of the local Board of Trustees. Members shall serve without compensation. Members may be reimbursed for necessary expenses incurred in performing their duties. The advisory committee should include representation from college personnel, EOPS students, local or feeder high schools, community and business sectors, and baccalaureate institutions where possible. The Advisory Committee shall meet at least once during each academic year.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56210. Comparable Level of Services.

The college shall maintain the same dollar level of services supported with non–EOPS funds as the average reported in its final budget report in the previous three academic years. At a minimum, this amount shall equal the three–year average or 15% of the average EOPS allocation to that college for the same three base years, whichever is greater. The Chancellor may approve reductions in the required amount if enrollments in the EOPS program decline.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Editorial correction of NOTE (Register 97, No. 46).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56211. Evaluation.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56215. Effect of Article.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

§ 56216. Chancellor.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

§ 56217. Income Ceiling Adjustment.

NOTE: Authority cited: Sections 69648, 69652, and 71020, Education Code. Reference: Sections 69640 and 69648, Education Code.

HISTORY

1. New section filed 5-8-81; effective thirtieth day thereafter (Register 81, No. 19). For prior history, see Register 81, No. 3.
2. Repealer of Article 3 heading and Section 56217 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56218. Curriculum Development.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56219. Depressed Area.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

Article 2. Student Eligibility and Responsibility

§ 56220. Eligibility for Programs and Services.

To receive programs and services authorized by this chapter, a student must:

(a) be a resident of California pursuant to the provisions of part 41 commencing with section 68000 of the Education Code.

(b) be enrolled full-time when accepted into the EOPS program. The EOPS director may authorize up to 10% of EOPS students accepted to be enrolled for 9 units.

(c) not have completed more than 70 units of degree applicable credit coursework in any combination of postsecondary higher education institutions.

(d) qualify to receive a Board of Governors Grant pursuant to section 58620(b)(1) or (2).

(e) be educationally disadvantaged as determined by the EOPS director or designee. In making that determination the EOPS director shall consider one or more of the following factors:

(1) not qualified at the college of attendance for enrollment into the minimum level English or mathematics course that is applicable to the associate degree.

(2) not have graduated from high school or obtained the General Education Diploma (G.E.D.).

(3) graduated from high school with a grade point average below 2.50 on a 4.00 scale.

(4) been previously enrolled in remedial education.

(5) other factors set forth in the district's plan submitted to the Chancellor pursuant to section 56270 of this subchapter.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending subsections (a), (c), (d) and (d)(5) and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56221. Encumbrance.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56222. Student Responsibility.

To remain eligible to receive programs and services, students shall:

(a) apply for state and/or federal financial aid pursuant to the applicable rules and procedures of the college of attendance.

(b) maintain academic progress towards a certificate, associate degree, or transfer goal pursuant to the academic standards established by the college of attendance applicable to all credit enrolled students.

(c) file an initial EOPS application and complete and adhere to a student educational plan and an EOPS mutual responsibility contract for programs and services.

(d) within two months of acceptance into the EOPS program, provide income documentation from state or federal income tax forms, or public assistance documentation pursuant to section 58620(b)(2), or other documentation as required for financial aid by the college of attendance.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Section 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending subsection (d) and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56223. EOPS Student.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56224. Eligibility for EOPS Financial Aid.

To receive EOPS financial aid a student shall:

(a) be eligible for and receive programs and services pursuant to sections 56220 and 56222 above.

(b) demonstrate financial need according to the rules and procedures established for financial aid at the college of attendance.

(c) have need for EOPS financial aid in accordance with sections 56252 and 56254 of this subchapter.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56225. Governing Board.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).

§ 56226. Limitations on Eligibility.

A student who has met the eligibility requirements of sections 56220 and 56222, and who participates without term-to-term interruption, shall continue to be eligible until the student:

(a) has completed 70 degree applicable credit units of instruction, or has completed consecutively six semester terms or nine quarter terms of enrollment. Time spent by the student enrolled in remedial courses, including remedial level English as a Second Language courses, shall not be included when computing the requirements of this subdivision. The EOPS Director may waive this limitation only in cases where students are enrolled in programs which require more than 70 units, or which require prerequisites that would exceed the limitations.

(b) has failed to meet the terms, conditions, and follow-up provisions of the student education plan and/or the EOPS mutual responsibility contract.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending first paragraph, subsection (a) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56227. Multicultural Studies.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56228. Grandfather Provision.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020, Education Code. Reference: Sections 69640–69655, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
3. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 56229. Program.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

Article 3. Program Standards

§ 56230. Full–Time EOPS Director.

Each college receiving EOPS funds shall employ a full–time EOPS director to directly manage and/or coordinate the daily operation of the programs and services offered, and to supervise and/or coordinate the staff assigned to perform EOPS activities. Colleges having less than full–time EOPS director positions may continue such positions upon approval of the Chancellor. The Chancellor shall consider the number of students served, the size of the EOPS staff and budget, and the scope and level of services offered when approving requests for less than full–time EOPS director positions.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Amendment filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
2. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56231. Special Projects.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56232. Outreach, Orientation, and Registration Services.

Each college receiving EOPS funds shall provide access services to identify EOPS eligible students and facilitate their enrollment in the college. Access services shall include at minimum:

(a) outreach and recruitment to increase the number of potential EOPS eligible students who enroll at the college.

(b) orientation to familiarize EOPS eligible students with: the location and function of college and EOPS programs and services; the college catalog, application, and registration process, with emphasis on academic and grading standards, college terminology (e.g., grade points, units), course add and drop procedures and related rules; financial aid application procedures; and transfer procedures to baccalaureate institutions.

(c) registration assistance for priority enrollment pursuant to section 58108.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending subsections (b) and (c) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56233. Student Contact Hours.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56234. Assessments.

Each college receiving EOPS funds shall assess EOPS eligible students using instruments and methods which the college president certifies are reliable, valid, and appropriate for students being assessed and for the purpose of the assessment. All assessment results which make use of standardized scoring shall be explained and interpreted to EOPS students by counselors trained in the use and meaning of such assessments. Assessments shall, at minimum, include:

(a) course and placement tests in reading, comprehension, vocabulary, writing, and computations.

(b) diagnostic tests to determine the specific academic skill deficiencies in areas in which placement tests indicate that the student has a low probability of success in degree applicable courses as defined by college policies.

(c) study skill assessment which determines how well the student is able to take lecture notes, outline written material, use library services, and use effective study techniques.

(d) support service assessment which determines what services the student may need to attend regularly and participate in campus life (such as the need for financial aid, child care, part–time employment, or extra–curricular pursuits).

(e) assessment instruments that are not culturally or linguistically biased.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56235. Target or High Priority Area.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56236. Counseling and Advisement.

Each college receiving EOPS funds shall provide counseling and advisement to EOPS–eligible students of at least three contact sessions per term for each student as follows:

(a) a contact session which combines interview interpretation of assessment results to prepare a student educational plan and a mutual responsibility contract specifying what programs and services the student shall receive and what the student is expected to accomplish.

(b) an in–term contact session to ensure the student is succeeding adequately, that programs and services are being provided effectively, and to plan changes as may be needed to enhance student success.

(c) a term–end or program exit contact session to assess the success of students in reaching the objectives of that term, the success of the programs and services provided in meeting student needs, and to assist students to prepare for the next term of classes, or to make future plans if students are leaving the EOPS program or the college.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Amendment of subsection (b) filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
2. New Article 2 heading and amendment of subsection (e) filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56237. Independent Student Criteria.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69506, 69640, 69641, 69642 and 69650, Education Code.

HISTORY

1. Amendment filed 2–7–80; effective thirtieth day thereafter (Register 80, No. 6).
2. Amendment of section heading and subsection (a)(2) filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56238. Basic Skills Instruction and Tutoring Services.

Colleges receiving EOPS funds shall provide basic skills instruction and tutoring services to EOPS eligible students who, on the basis of assessments and counseling, need such services to succeed in reaching their educational goals.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Amendment of subsection (d) filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56239. Priority in Serving Students.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No.18.

§ 56240. Transfer and Career Employment Services.

Colleges receiving EOPS funds shall provide assistance to EOPS eligible students to transfer to baccalaureate institutions and/or to find career employment in their field of training. Appropriate college and EOPS staff shall attempt to articulate coursework and support services needed by EOPS students with baccalaureate institutional staff, particularly baccalaureate institutional staff who are responsible for programs and services that are similar to EOPS.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56241. Outline.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56243. Deadlines.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56244. Applications.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56245. Scope and Appropriateness.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56246. Maintenance of Effort.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56247. Advisory Committee.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56248. Evaluation.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69640, 69641, 69642, 69649 and 69650, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56250. Effect.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer of Article 2 heading and Section 56250 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56251. Evaluation by Chancellor.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69640, 69642, 69649, 69650, 69651, 69652 and 69653, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

Article 4. EOPS Financial Aid Standards

§ 56252. Purpose.

Financial assistance in the form of EOPS grants and workstudy shall be awarded in accordance with the provisions of this article to EOPS eligible students for the purpose of reducing potential student loan indebtedness, or to reduce unmet financial need, after Pell grants and other state, federal or institutional financial aid has been awarded to the student.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56253. Approved Plan Required.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56254. EOPS Grants and Workstudy Awards.

(a) Grants may be awarded in an amount not to exceed $900 per academic year, or the amount of a student's unmet need, whichever is less.

(b) Workstudy awards shall not exceed $1,800 per academic year, or the amount of a student's unmet need, whichever is less. Contracts with private industry may be utilized to place EOPS workstudy students.

(c) No combination of EOPS grant and workstudy awards may exceed $1,800 or exceed the amount of a student's unmet need, whichever is less, in an academic year.

(d) EOPS grants shall be disbursed to each student equally among terms in the college academic year.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending subsection (c) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56255. Priority in Funding.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56256. Award Procedures.

(a) Financial aid offices shall award and disburse EOPS grant and workstudy funds according to college procedures upon the authorization of the EOPS office.

(b) EOPS offices shall authorize EOPS grant and workstudy awards such that:

(1) Awards are distributed as evenly as possible between dependent and independent students.

(2) Priority in awards is given to dependent or independent students having the lowest family or personal incomes, respectively.

(c) EOPS offices may authorize an EOPS grant to reduce packaged student employment awards on a case–by–case basis.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending subsection (c) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56257. Funding.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69640, 69648 and 69652, Education Code.

HISTORY

1. Amendment of subsection (b) filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
2. Amendment of subsection (c) filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56258. Emergency Loans.

EOPS programs may establish an emergency loan program for EOPS students to meet unexpected or untimely costs for books, college supplies, transportation and housing, subject to the following provisions:

(a) loans may not exceed $300 in a single academic year and must be repaid within the academic year in which the loan was made.

(b) loan funds shall be held in a separate account established by the district for that purpose; collected funds and interest earned shall be credited to the loan account and all loan funds may be carried over fiscal years for the life of the loan program.

(c) the total amount held for the loan program may not exceed three times the amount originally set aside to establish the program. Amounts in excess of this limit, or the total amount held when the program is terminated, shall be returned to the Chancellor.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No.40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56259. Effective Program Experience.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

Article 5. Staffing Standards

§ 56260. Staff.

EOPS shall be provided by a certificated director, instructors and counselors and other support staff employed by the governing board of the community college district. All staff funded by EOPS who are not supervised by the EOPS Director shall be accountable to the EOPS Director for the services rendered to EOPS students pursuant to the approved EOPS program plan.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640–69655, Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56262. Director Qualifications.

(a) The EOPS Director must meet the minimum qualifications for a student services administrator as specified in section 53420 of this part, or must possess a Community College Supervisor Credential.

(b) In addition, an EOPS Director hired after October 24, 1987, must have, within the last four years, two years of experience or the equivalent:

(1) In the management or administration of educational programs, community organizations, government programs, or private industry in which the applicant dealt predominantly with ethnic minorities or persons handicapped by language, social or economic disadvantages or,

(2) As a community college EOPS counselor or EOPS instructor, or have comparable experience in working with disadvantaged clientele.

(c) In addition, an EOPS director hired after October 24, 1987, shall have completed a minimum of six units of college-level course work predominantly relating to ethnic minorities or persons handicapped by educational, language, or social disadvantages.

NOTE: Authority cited: Sections 69648, 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87356 and 87357, Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40).
2. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code, section 70901.5(b).
3. Editorial correction of printing error in subsection (a) (Register 91, No. 29).

§ 56264. Counselor Qualifications.

(a) EOPS "Counselors" are those persons designated by the community college to serve as certificated counselors in the EOPS program and must possess the Community College Counselor Credential or possess a master's degree in counseling, rehabilitation counseling, clinical psychology, counseling psychology, guidance counseling, educational counseling, social work, or career development, or the equivalent, and

(b) In addition, EOPS counselors hired after October 24, 1987, shall:

(1) Have completed a minimum of nine semester units of college course work predominantly relating to ethnic minorities or persons handicapped by language, social, or economic disadvantages or,

(2) Have completed six semester units or the equivalent of a college-level counseling practicum or counseling field-work courses in a community college EOPS program, or in a program dealing predominantly with ethnic minorities or persons handicapped by language, social, or economic disadvantages and,

(c) In addition, an EOPS counselor hired after October 24, 1987, shall have two years of occupational experience in work relating to ethnic minorities or persons handicapped by language, social, or economic disadvantages.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640–69655, Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40).
2. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
3. Change without regulatory effect amending NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 6. Plans and Priorities

§ 56270. Contract Plan.

(a) Districts wishing to participate in EOPS shall submit for approval by the Chancellor a plan which conforms to the provisions of this subchapter for each college within the district which intends to conduct an EOPS program. A college plan approved by the Chancellor shall constitute a contract between the district which operates the college and the Chancellor. Changes to the program plan may be made only with the prior written approval of the Chancellor.

(b) The Chancellor will notify in writing those districts which submit plans on or before the deadline set pursuant to section 56274 within ninety (90) days of that deadline whether the district's plan is complete and whether the plan is approved or disapproved. If the plan is disapproved, the Chancellor will notify the district how the plan is deficient. If a district plan is disapproved, the district may resubmit the plan and the Chancellor will approve or disapprove the resubmitted plan within ninety (90) days of its receipt.

NOTE: Authority cited: Sections 66700, 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Editorial correction of printing error restoring section heading (Register 91, No. 29).
3. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56271. Approved Programs and Services.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56272. Outline.

Each plan shall address the following:

(a) the long-term goals of the EOPS program in supporting the goals of the college and the goals adopted for EOPS by the Board of Governors.

(b) the objectives of the EOPS program to be attained in the fiscal year for which EOPS funds are allocated.

(c) the activities to be undertaken to achieve the objectives, including how the college plans to meet the standards set forth in Articles 3, 4, and 5 of this subchapter.

(d) an operating budget which indicates the planned expenditures of EOPS funds, and of other district funds to be used to finance EOPS activities.

(e) the number of students to be served.

(f) an evaluation of the results achieved in the prior year of funding.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending subsection (c) and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56274. Deadlines.

The Chancellor's Office shall annually establish a final date for the submission of EOPS plans and shall notify districts of this date and distribute the forms for the submission of the plan not less than 90 days prior to that date. Applications and plans received after that date shall be returned to the applying district without evaluation or consideration.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40).
2. Change without regulatory effect amending NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56276. Review and Approval of District Plans.

All plans and requests for funding submitted on or before the deadline shall be reviewed and evaluated by the Chancellor. The Chancellor shall approve plans for funding in whole or in part.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40). For prior history, see Registers 83, No. 18 and 81, No. 3.

2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56277. Necessity of Subchapter.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).

§ 56278. Program Evaluation by the Chancellor.

Each college having an approved plan shall participate annually in an evaluation of the effectiveness of the program which shall be conducted by the Chancellor. The annual evaluation may include on–site operational reviews, audits, and measurements of student success in achieving their educational objectives.

NOTE: Authority cited: Sections 69648, 69648.5 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56279. Accrual Basis.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56280. Priorities in Serving Students.

Each plan shall incorporate the priorities of this section in the order presented when serving students from among those who are eligible pursuant to section 56220. The purpose of these priorities is to ensure that colleges strive to achieve and maintain a racial, ethnic, and gender composition among income eligible students served which matches the racial, ethnic, and gender composition by income group of eighteen years and above who reside in the college service area.

(a) priority in outreach and recruitment services shall be directed towards correcting the greatest underrepresentation among students served. Additional priority among underrepresented students shall be given to serving individuals who are the first in their family to attend college.

(b) priority in serving students enrolled at the college shall be:

(1) serving continuing EOPS students with the lowest income.

(2) serving continuing EOPS students with the lowest income who are transferring from another EOPS program conducted by a community college.

(3) serving first–time EOPS students with the lowest income.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640–69655, Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending first paragraph and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56281. Accounting Procedures.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56282. State Sources.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer of Article 2 heading filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56283. Other Sources.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56284. Expenditures.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69640, 69641, 69642, 69649, 69650, 69651, 69652 and 69653, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56285. Direct Expenses.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56286. Income Ceiling Adjustment.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69640 and 69648, Education Code.

HISTORY

1. Repealer and new section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56287. Indirect Expenses.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56288. Purpose of Indirect Expense Account.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56289. Capital Outlay Expenditures.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

Article 7. Funding and Expenditures

§ 56290. Income and Expenditure Accountability.

Districts shall maintain separate accounts for monies provided for, and expended in, support of EOPS activities by specific line item.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Amendment filed 2–7–80; effective thirtieth day thereafter (Register 80, No. 6).
2. Renumbering of former Article 3 to Article 5 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56291. Discretionary Funding.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69640, 69651, and 69652, Education Code.

HISTORY

1. Amendment filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56291.1. Direct Aid to Students.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Sections 69650 and 69652, Education Code.

HISTORY

1. Amendment filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
2. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40).

§ 56291.2. Curriculum Development.

NOTE: Authority cited: Sections 69648, 69652 and 71020, Education Code. Reference: Chapter 2, Article 8 (commencing with Section 69640) of Part 42, Education Code.

HISTORY

1. Repealer filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.

§ 56292. Adjustment to Allocations.

The Chancellor may adjust the allocation to any college during a fiscal year for one or more of the following reasons:

(a) to correct over or under allocated amounts in any of the three prior fiscal years.

(b) to correct for over or under utilization of allocated amounts in the current fiscal year.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Amendment of subsection (e) filed 2–7–80; effective thirtieth day thereafter (Register 80, No. 6).
2. Amendment filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
3. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56293. District Fiscal Responsibility and Contribution.

Districts shall insure that colleges under their jurisdiction conducting EOPS programs provide to EOPS students who need them the same programs and services the college offers to all of its credit enrolled students. The district shall fund the cost of such programs and services from resources available to it, except EOPS funds, at a rate per EOPS student that is at least equal to the average cost per student served (including EOPS students) in these programs and services. Districts accepting EOPS funds will be required to pay the salary of the EOPS director at the rate of 100% of salary and benefits per year.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40). For prior history, see Register 83, No. 18.
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56294. EOPS Supplemental Costs.

Colleges shall expend EOPS funds only for programs and services which are over, above, and in addition to the costs which are the district's responsibility as defined in section 56293.

NOTE: Authority cited: Sections 69648, 69652 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer and new section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56295. Expenditures Allowed.

(a) Colleges may expend EOPS funds to meet the EOPS supplemental costs as defined in section 56294 for personnel and other expenses approved in the EOPS annual plan. Expenditures for other expenses in object categories 4000–6000 (except for EOPS financial aid) in the Budget and Accounting Manual shall not exceed 10% of the EOPS allocation or $50,000, whichever is less.

(b) Requests to purchase computer hardware and/or software shall be approved by the district superintendent/president prior to transmittal for approval by the Chancellor.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending subsection (a) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56296. Expenditures Not Allowed.

EOPS funds shall not be expended for the following:

(a) college administrative support costs (e.g., staff of the business office, bookstore, reproduction, staff at the dean salary level and above).

(b) indirect costs (e.g., heat, lights, power, janitorial service).

(c) political or professional association dues and/or contributions.

(d) costs of furniture (chairs, desks, coat hangers, etc.).

(e) costs of construction, remodeling, renovation, or vehicles.

(f) travel costs other than travel costs of EOPS staff and students for EOPS activities or functions.

Except for items (a) through (c) above, waivers may be approved by the Chancellor on a case–by–case basis.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending subsection (d) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56297. Special Projects and Incentives.

(a) The Chancellor may allocate funds for recommended special projects which seek to benefit the statewide, regional, or local conduct of EOPS programs, provided that no special project duplicates college or EOPS activities.

(b) Special projects shall be recommended by the advisory committee established pursuant to section 69643 of the Education Code.

(c) Funding for special projects shall consist of amounts set aside for this purpose in the Governor's Budget. The Chancellor may redirect funds released pursuant to section 56292 to fund additional special projects.

(d) Colleges which demonstrate outstanding effectiveness based upon evaluations conducted pursuant to section 56278 of this subchapter shall receive priority consideration for use of special project funds or other funds which may be released pursuant to section 56292.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending subsections (b)–(d) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56298. EOPS Financial Aid Restriction.

In each fiscal year the colleges shall expend for EOPS grants and workstudy an amount equal to that expended in the prior fiscal year, unless waived by the Chancellor, for the following reasons:

(a) to establish a book service program.

(b) the college allocation was corrected pursuant to section 56292.

(c) to meet the requirements of article 3.

NOTE: Authority cited: Sections 69648 and 70901, Education Code. Reference: Sections 69640 et seq., Education Code.

HISTORY

1. New section filed 9–24–87; operative 10–24–87 (Register 87, No. 40).
2. Change without regulatory effect amending subsections (b) and (c) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 3. Educational Programs and Services for Students with Learning Disabilities

§ 56350. Purpose.

NOTE: Authority cited: Section 71020, Education Code. Reference: Sections 71023, 78012, 78440, 78441, 78442 and 78600, Education Code.

HISTORY

1. New Chapter 3 (Sections 56350–56360, not consecutive) filed 5–9–78; effective thirtieth day thereafter (Register 78, No. 19). For prior history, see Registers 72, No. 44 and 76, No. 51.
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 3–29–88; operative 4–28–88 (Register 88, No. 16).

§ 56352. Definitions.

NOTE: Authority cited: Sections 71020, 76300 and 78405, Education Code. Reference: Sections 71023, 76320, 78012, 78405 and 78440, Education Code.

HISTORY

1. Amendment filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 3–29–88; operative 4–28–88 (Register 88, No. 16).

§ 56354. Programs Operated Pursuant to Education Code Section 78440.

NOTE: Authority cited: Sections 71020, 76300, 78405 and 78440, Education Code. Reference: Sections 78403, 78405 and 78440, Education Code.

HISTORY

1. Amendment of subsection (b) filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 3–29–88; operative 4–28–88 (Register 88, No. 16).

§ 56356. Programs Operated Pursuant to Education Code Section 78012.

NOTE: Authority cited: Sections 71020, 76300 and 78405, Education Code. Reference: Sections 78012 and 78405, Education Code.

HISTORY

1. Amendment filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 3–29–88; operative 4–28–88 (Register 88, No. 16).

§ 56358. Programs Operated Pursuant to Education Code Section 78800 et seq.

NOTE: Authority cited: Sections 71020, 76300, Education Code. Reference: Chapter 797, Statutes of 1979.

HISTORY

1. Repealer filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).

§ 56360. Programs Operated Pursuant to Education Code Section 78600 et seq.

NOTE: Authority cited: Sections 71020, 76300, Education Code. Reference: Chapter 797, Statutes of 1979.

HISTORY

1. Repealer filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).

Subchapter 4. The Community College Real Estate Education Endowment Fund

§ 56600. Purpose.

The purpose of this chapter is to provide for the advancement of real estate education through the Real Estate Education Scholarship Program and the Real Estate Education Special Projects Program and to provide for the administration of those programs.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. New chapter 4 (sections 56600–56628, not consecutive) filed 10–30–75; effective thirtieth day thereafter (Register 75, No. 44).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 4 (subchapters 1 and 2, sections 56600–56628, not consecutive) and new chapter 4 (sections 56600–56617, not consecutive) filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56602. Chancellor's Community College Real Estate Education Endowment Fund Advisory Committee.

The number of individuals on the advisory committee shall be determined by the Real Estate Commissioner and the Chancellor. The Chancellor shall appoint the advisory committee.

Membership on the advisory committee shall include equal representation from the real estate licensees and California community colleges, with consideration of geography and diversity; the Real Estate Commissioner and the Chancellor or their authorized representatives; and such additional representation as the Chancellor and Real Estate Commissioner deem appropriate.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
2. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56603. Committee Travel.

Monies available from the return on the investment of the Endowment Fund (subject to the State Board of Control regulations) may be used for the necessary travel of the Community College Real Estate Education Endowment Fund Advisory Committee and others authorized by the Chancellor to perform activities and services for the Real Estate Scholarship Program and the Special Projects Program in the community colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56604. Real Estate Education Scholarship Program.

The Real Estate Education Scholarship Program is a scholarship grant program for eligible, disadvantaged students. Awards are provided to students in need of financial assistance to meet costs related to entrance into and completion of community college real estate education programs.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56605. College Applications and Awards.

(a) The Chancellor will annually notify community college real estate education coordinators, financial aid officers and other appropriate col-

lege staff and officials of the availability of scholarship funds for students enrolled in real estate education courses and programs. Such notification shall include information on the procedures for awarding and applying for funds.

(b) For as long as adequate funding is available, all eligible applicants will be awarded scholarships on a first–come, first–served basis. In the event that funds needed to serve all eligible applicants exceed funding available by more than ten percent (10%), the Chancellor in consultation with the Advisory Committee shall determine standards and procedures for the distribution of the limited funds.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56606. Student Eligibility.

(a) To be eligible for a Real Estate Education Scholarship, an applicant must provide both of the following:

(1) a letter from his/her real estate instructor recommending the applicant; and

(2) certification by a community college admissions officer or other college official of the applicant's enrollment status at the college.

(b) Eligibility for the scholarships will be limited to disadvantaged students. The term disadvantaged refers to groups or individuals who have low economic status and/or have been denied opportunities in society for reasons of gender, race, ethnicity, economics, language, education, physical disabilities, or other mitigating factors.

(c) To be eligible for an initial Real Estate Education Scholarship, the applicant must have satisfactorily completed at least one 3–unit college–level course in real estate with a grade of C (2.0) or higher on a 4.0 scale.

(d) A scholarship will require the student to have declared a real estate education major or, at a college that does not offer a real estate education major, a major in a related field with a concentration in real estate. Recipients must complete 6 units each semester (or the quarter equivalent) from the required real estate courses as defined by the approved Department of Real Estate course list for real estate broker, or as required by the institution for completion of the real estate certificate.

(e) Continued eligibility will require a grade point average of 2.0 on a 4.0 scale.

(f) The college financial aid officer or scholarship coordinator will determine if the applicant meets eligibility criteria and will initiate funding of the award.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. Amendment of subsections (a)–(e), new subsection (f) and amendment of NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56607. Competitive Selection.

NOTE: Authority cited: Sections 71020 and 71062, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 71023, Education Code.

HISTORY

1. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56608. Scholarship Limitations.

The determination of the amount of the scholarship award will primarily consider, but will not be limited to, the following: fees, books, and supplies.

Based upon available resources, the amount of the scholarship will be annually determined by the Chancellor with consultation by the Advisory Committee.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code.

HISTORY

1. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56609. Filing Dates.

NOTE: Authority cited: Sections 71020 and 71062, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 71023, Education Code.

HISTORY

1. Repealer filed 2–4–93; operative 3–6–93 (Register 93, No. 6).

§ 56610. Real Estate Grant Program.

The Real Estate Grant Program is a program for funding projects for the improvement and development of real estate education.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 70901, Education Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56614. Criteria for Funding.

District funded activities may include, but need not be limited to, the following:

(a) The development of innovative programs, processes or products designed to enrich the effectiveness of real estate education;

(b) The encouragement of real estate education articulation related to cooperative and coordination activities entered into by one community college district with other institutions of higher education;

(c) The development and improvement of communications between the real estate industry and the community colleges;

(d) The promotion of the real estate education programs.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 70901, Education Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56615. Evaluation Procedures.

The Chancellor of the California Community Colleges may appoint a committee to evaluate and recommend to the advisory committee projects to be funded. The advisory committee will review proposed projects and recommend to the Chancellor projects for approval funding. The Chancellor shall make the final award.

When appropriate, the Chancellor's Office will consult with and enlist the services of such persons able to provide validity and objectivity in the establishment of the respective priorities of proposed projects. In reviewing projects to determine relative priorities for funding with real estate funds, the following criteria may be considered.

(a) The geographic area to be served, including the density and characteristics of the population in the area;

(b) The ability to reproduce the project;

(c) The relative need, cost and benefit to the real estate program;

(d) The current instructional effort by the respective local educational agencies to meet the real estate education needs in the areas they serve.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 70901, Education Code.

HISTORY

1. Change without regulatory effect amending first paragraph and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56616. Application Form.

Applications for projects will be submitted on forms developed by the Chancellor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 70901, Education Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56617. Limitations.

All grants made from this fund are intended to supplement real estate education efforts in the California community colleges. Such grants shall not take the place of any local community college district effort.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 10450.6 and 10451.5, Business and Professions Code; and Section 70901, Education Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 5. Fund for the Improvement of Instruction

Article 1. General

§ 56650. Purpose.

NOTE: Authority cited: Sections 71020, 71025, 84383 and 84386, Education Code. Reference: Article 7 (commencing with Section 84380) of Chapter 3 of Part 50, Education Code.

HISTORY

1. New chapter 5 (sections 56652–56682, not consecutive) filed 3–21–78; effective thirtieth day thereafter (Register 78, No. 12).
2. Repealer filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56652. Eligible Programs and Services.

Alternative educational programs and services eligible for funding under this chapter include, but are not limited to, those which promote improvement or innovation through:

(a) provision of instruction which is nontraditional as to its form, content, or methodology. Nontraditional instruction includes, but is not limited to, programs which involve:

(1) internships and experiential learning opportunities;

(2) individualized instructional contracts which require students to develop learning objectives;

(3) development of interpersonal skills; or

(4) independent study.

(b) program development, including but not limited to:

(1) efforts to address the special learning needs of educationally disadvantaged students; or

(2) educational services for new populations such as older or working adults; or

(c) faculty/staff development, including but not limited to:

(1) intersegmental summer programs including research projects and seminars;

(2) college programs bringing visiting scholars to local districts;

(3) interdisciplinary programs involving local noncollege institutions in the arts and sciences;

(4) intersegmental research and public information projects on topics of special concern to rural and urban California regarding the environment, social history, and culture; and

(5) "summer bridge" programs for the transition of faculty into college life.

NOTE: Authority cited: Sections 66700, 70901(b) and (c), and 84381, Education Code. Reference: Section 84381, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer and new section filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56654. Definitions.

(a) "Instruction" means formally organized activities designed to transmit knowledge and to foster skills for the purpose of achieving educational goals and objectives.

(b) "Innovation" means substantive change and reform in instructional organization, design, content, process and resources intended to improve educational outcomes.

(c) "Improvement" means organized change which enhances capability over existing practices.

(d) "Program Development" means improvement of existing programs as well as designing of new programs. Development is program initiation or improvement rather than mere expansion of existing programs. Development may be in any or all of the program categories including researching, planning, utilizing resources, and evaluating.

(e) "Staff Development" means improvement of competencies for community college personnel.

NOTE: Authority cited: Sections 66700, 70901(b) and (c), and 84381, Education Code. Reference: Sections 84381 and 84382, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer of subsection (f) filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56656. Administration.

NOTE: Authority cited: Sections 71020, 84383 and 84386, Education Code. Reference: Sections 71091, 84381 and 84386, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56658. Functions of the Advisory and Review Council.

(a) The Advisory and Review Council established by the Chancellor shall review applications for grants and loans proposed for funding through the Fund for Instructional Improvement in accordance with criteria established by the Chancellor. When deemed necessary by the Council, independent readers may be employed to review proposals and make recommendations for funding to the Council. The group of readers used to review any given set of proposals shall be selected so as to reflect, as closely as possible, the composition of the Council.

(b) The Council may also make recommendations to the Chancellor on other matters related to the operation of the Fund for Instructional Improvement, including but not limited to:

(1) the name of a Council member to be appointed chairperson;

(2) standing rules governing the operation of the Council; and

(3) criteria and procedures for the evaluation of funded projects.

NOTE: Authority cited: Sections 66700, 70901(b) and (c) and 84381, Education Code. Reference: Section 84381, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer and new section filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

Article 2. Grants

§ 56670. Application for Grant: General Requirements.

(a) Applications for grants may be submitted by colleges, faculty members, students, administrators or consortia.

(b) All applications recommended by the Council to the Chancellor for funding shall have or obtain approval of the board of trustees of the district or districts from which the application originated.

(c) Each proposal shall include an evaluation plan and budget.

(d) A portion of the funds, not to exceed five percent, shall be set aside by the Chancellor for evaluation and dissemination of project outcomes to other institutions or programs in the state.

(e) The Chancellor shall be responsible for establishing and maintaining an accounting system for grants awarded pursuant to this article.

NOTE: Authority cited: Sections 66700, 70901(b) and (c), 84381 and 84383, Education Code. Reference: Sections 84381 and 84383, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment of subsections (a) and (e) filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56672. Application Proposal.

A proposal submitted in application for a grant shall identify and support the significance and feasibility of the proposed plan or activity for which funding is requested. In this regard, the proposal will identify the following items and provide substantiating evidence for each item and as otherwise directed in the annual proposal application forms and announcements issued by the Chancellor:

(a) the specific educational program or service being addressed;

(b) the specific problem(s);

(c) the population to be served;

(d) the project objective(s);

(e) the proposed activities including, but not limited to, information about personnel required, equipment, materials, schedule, and evaluation process;

(f) the expected outcomes of these activities in terms of:

(1) the project objective(s),

(2) probable or eventual impact of the project,

(3) potential for continued support after the expiration of the grant, and

(4) potential for adaptation to other institutions or programs.

(g) the evaluation plan; and

(h) the budget.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 84383, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 56674. Classification of Grants.

NOTE: Authority cited: Sections 71020, 84383 and 84386, Education Code. Reference: Sections 84383 and 84386, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 9–30–85; effective thirtieth day thereafter (Register 85, No. 40).

§ 56674.2. Mini–Grants.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 56675. Mini Grants.

NOTE: Authority cited: Sections 71020, 84383 and 84386, Education Code. Reference: Sections 84383 and 84386, Education Code.

HISTORY

1. New section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56676. Funding.

Funding shall be provided under the following conditions, unless otherwise authorized by the Board of Governors:

(a) Funding shall be provided on a one–year basis. If additional continuation funding is desired, a new proposal application shall be submitted at the time established for submission of new proposals. Proposals for continuation funding shall be considered separately and performance under the previous grant shall be taken into account in deciding which projects should be continued.

(b) Grants shall be allocated on a July 1st to June 30th fiscal year basis, unless the Chancellor determines that extenuating circumstances justify use of a different funding period for some or all of the projects to be funded.

(c) Applications may be submitted for a direct grant, or a loan, or a combination of both.

(d) Funds awarded for grants may not be used for purposes of construction, remodeling, or lease of facilities, nor for student financial aid, purchase of equipment, or for programs and activities not eligible for state apportionment.

(e) Financial participation by an applicant shall be no less than 10 percent of the total cost of the project. Overhead or indirect costs may be included in a proposal only as part of the financial participation provided by the applicant.

NOTE: Authority cited: Sections 66700, 70901(b) and (c), Education Code. Reference: Sections 84381 and 84382, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56678. Reporting.

The following reports shall be submitted to the Chancellor on forms provided by and in accordance with procedures established by the Chancellor for transmission to the Board of Governors:

(a) A semi–annual report, including a statement of expenditures to date, for each project.

(b) A final report for each project containing also a comprehensive fiscal statement, within 60 days after the expiration of the grant.

Fifteen percent of the funds awarded for each project shall be withheld until the final report satisfying the conditions and criteria under which it was funded is received.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 84383, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 3. Loans

§ 56680. Purpose.

NOTE: Authority cited: Sections 71020, 84383 and 84386, Education Code. Reference: Sections 84383 and 84386, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Repealer filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56682. Criteria for Funding.

(a) Loans shall be awarded in accordance with the same criteria, standards and processes which are applicable to grants.

(b) Loan funds authorized by this article are subject to the same constraints applicable to grant funds pursuant to section 56676(d), except that loan funds may be used to purchase equipment.

(c) The Chancellor shall develop an accounting system and a repayment schedule for loan funds.

NOTE: Authority cited: Sections 66700, 70901(b) and (c), Education Code. Reference: Section 84381, Education Code.

HISTORY

1. Amendment of subsection (c) filed 11–15–79; effective thirtieth day thereafter (Register 79, No. 46).
2. Amendment of NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of subsections (b) and (c) filed 7–22–91 and submitted to OAL on 7–25–91 for printing only pursuant to Education Code section 70901.5; operative 8–21–91 (Register 91, No. 48).

§ 56684. Repayment of Loans.

Upon certification by the Chancellor a loan shall be drawn from the Community College Fund for Instructional Improvement by the State Controller in favor of the applicant district. During each of the three years beginning with the fiscal year immediately succeeding the fiscal year in which the loan is made under this section, the State Controller shall deduct from the second principal apportionment made from Section B of the State School Fund to the community college district an amount equal to one–third of the amount loaned to the district, and transfer the amount into the Community College Fund for Instructional Improvement.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

Subchapter 6. Underrepresented Students Special Project Fund

§ 56700. Underrepresented Students Special Project Fund.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 4–3–92; operative 5–4–92 (Register 92, No. 15).
2. New subchapter 6 heading filed 5–15–93; operative 6–14–93 (Register 93, No. 25).
3. Repealer filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Chapter 8. Construction

Subchapter 1. Community College Construction Act

§ 57000. General Provisions.

NOTE: Authority cited for Chapter 1: Sections 71020, 71024 and 81805, Education Code. Reference: Chapter 4 (commencing with Section 81800), Part 49, Division 7, Education Code.

HISTORY

1. Repealer of Chapters 1 and 2 (§ § 57000 through 57121, not consecutive) and new Chapter 1 (§ § 57000 through 57032, not consecutive) filed 11–2–73; effective thirtieth day thereafter (Register 73, No. 44).
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Subchapter 1 heading and Section 57000 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 57001. Definitions.

For the purposes of this chapter:

(a) "A small community college" means a college with 35,000 or fewer weekly student contact hours (WSCH) in credit and noncredit courses and programs.

(b) "Leased or rented" means a building for which rental costs are paid, and the use of which will be discontinued upon the completion of the project for which application has been submitted.

(c) "Permanent building" means a building for which there is no plan for removal or demolition.

(d) "Temporary building" means a building of limited worth which, according to the capital construction master plan, is anticipated to be demolished or replaced within five years. All other buildings are to be considered permanent.

(e) As used in this chapter, "weekly student contact hours" means the product of the number of students and the scheduled class periods in which they are enrolled, in graded and ungraded community college classes convened prior to 10 o'clock p.m. during a census week. A class period is not less than 50 minutes and not more than 60 minutes.

NOTE: Authority cited: Sections 66700, 70901, and 81805 Education Code. Reference: Chapter 4 (commencing with Section 81800) of Part 49, Division 7, Education Code.

HISTORY

1. Repealer of subsections (i) and (j) filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).
2. Amendment filed 11–4–77: effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 1–16–81; effective thirtieth day thereafter (Register 81, No. 3).
4. Amendment filed 4–27–83: effective thirtieth day thereafter (Register 83, No. 18).
5. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
6. Editorial correction of printing error in subsection (e) (Register 91, No. 43).
7. Editorial correction of HISTORY 5 (Register 95, No. 23).

§ 57001.5. Project.

(a) As used in this chapter "project" means the purpose for which a community college district has applied for assistance under chapter 4 of part 49 of the Education Code for one or more institutions under its authority or for district wide facilities. A project may include the planning, acquisition, and improvement of community college sites; the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, a laboratory, a library, a performing arts facility, a gymnasium, the basic outdoor physical education facilities, the basic food service facilities, or child development centers, pursuant to section 79120 of the Education Code; related facilities necessary for the instruction of students or for administration of the educational program; maintenance or utility facilities essential to the operation of the foregoing facilities and the initial acquisition of equipment. A project may also include the initial furnishing of, and initial acquisition of equipment for, any facility leased or lease–purchased by a community college district as of August 1, 1987, for educational purpose or purposes.

(b) A project may also include the reconstruction or remodeling of any facility leased or lease–purchased for educational purposes. The Chancellor's Office shall require transfer to the community college district of title or any other interest considered sufficient by the district, in and to facilities presently leased or to be leased in the future by the district, to the extent of the funds appropriated for reconstruction or remodeling of leased facilities. When sufficient title or interest has not been transferred, the term of the lease shall be of sufficient duration to completely amortize the reconstruction or remodeling cost. Such amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the reconstruction or remodeling costs the district shall repay the state for any unamortized state costs.

A project consisting of the construction of any facilities listed in subdivision (a) on property that conforms to subdivision (b) of section 81530 of the Education Code shall be eligible for state funding. For any project that is constructed under this paragraph, the term of the lease shall be of sufficient duration to completely amortize the cost of the project and the governing board of the community college district shall provide in the lease agreement a hold harmless clause satisfactory to the lessor. The amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the project, the district shall pay the state for any unamortized state costs.

(c) The projects defined by subdivisions (a) and (b) of this section shall not be construed as a commitment by the Board of Governors as to the type or possible number of projects that may be considered during any fiscal year.

(d) A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of sites for student or staff parking, or single–purpose auditoriums.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in subsection (a) (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57001.7. Educational Center.

As used in this chapter, the term "educational center" has the same meaning as set forth in section 55180.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).
4. Amendment filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 57002. Federal Fund Proration.

When the physical detail and intent of a project subject to a federal grant differs materially from the physical detail and intent for which state funds are appropriated, the federal funds shall be prorated on the scope of the project subject to the federal grant and that prorated share be made applicable to the project subject to state matching funds.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Section 81805, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57003. Projecting Graded and Ungraded Enrollments.

HISTORY

1. Repealer filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).

§ 57010. Appeals from Administrative Actions.

Any action of the Chancellor in administering this chapter may be appealed to the Board of Governors by the governing board of an affected community college district. The appeal shall be placed on the agenda of the Board in accordance with the general agenda practices of the Board. The decision of the Board on such appeals shall be final.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57011. Expenditures; Final Report.

Upon completion of a project the governing board shall submit to the Chancellor, within 30 days after the closure of the current fiscal year, a final report on all expenditures in connection with the sources of the funds expended. The district shall be subject to a state post–audit review of fund claims for all such projects.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57013. Coordination of Planning with Recreation and Park Authorities.

The governing board of any community college district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new facilities and sites or major additions to existing facilities and recreation and park facilities in the community. Any community college district planning, designing, or constructing new facilities shall report to the Chancellor's Office on plans to achieve:

(a) a greater use of any joint or contiguous recreation and park facilities by the district; and

(b) possible use by the total community of such facilities and sites and recreation and park facilities.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57014. Submission.

Any community college district may submit a proposed project to the Chancellor for review and approval or disapproval. The proposed project shall be an element of the district's plan for capital construction. It shall be in such form and contain such detail as will permit its evaluation and approval with reference to the elements of the capital construction program specified in section 81821 of the Education Code.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57015. Chancellor's Review and Evaluation: Elements of Review.

The Chancellor shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Education Code, section 81821. The review shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a community college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the total cost by the amount of federal funds available thereof, and determining the remainder thereof to be borne by the state, or, if the district has matching funds, by the state and by the district.

The determination as to whether the district has funds to provide all or part of its matching share of the project shall be made on the basis of district ability. If the district ability, as determined by section 57033.1, is sufficient to meet the matching costs of the project or its individual phases of planning, working drawings, construction, equipment, or land acquisition, the district shall bear its matching share of the cost of the

project or one or more of its phases. If the district funds available are insufficient to provide the district's matching share for the cost of the project or one or more of its phases, computed pursuant to section 57033.1, the district shall provide the moneys available, as defined by the Board of Governors, and state funds may be requested to provide the balance of funds required.

Private funds available for specific projects may be used as a credit toward the district match.

(d) Determining the total of funds required for the first phase of the project to be provided on a matching basis by the state and the district, and the total state appropriation required to be provided for the project or one or more of its phases.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57016. Final Action; Time Limit.

A proposed project submitted by the governing board of a community college district to the Chancellor pursuant to section 57014 prior to February 1st of each year shall be finally acted upon by the Chancellor pursuant to section 57014 on or before the next succeeding May 1st of each year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57017. Funding of Project at Educational Center.

Notwithstanding any other provision of this division, a community college district shall not be eligible for state capital outlay funding for a construction project to be located at any educational center that is approved by the Board of Governors on or after May 1, 2008, under the provisions of article 4 (commencing with section 55180) of subchapter 2 of chapter 6, unless and until the Chancellor determines that the educational center reported at least 500 FTES on the district's most recent final attendance report.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 57020. Standards.

The computed existing and projected capacity and utilization standards listed in this article shall apply unless it is determined by the Chancellor in consultation with the Department of Finance that extraordinary conditions exist.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Section 81805, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57021. Classroom Use.

Classrooms and seminar room use shall be not less than 48 hours per 70–hour week for a campus of less than 140,000 weekly student contact hours per week, and not less than 53 hours per 70–hour week for a campus with 140,000, or more, weekly student contact hours.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Repealer and new section filed 6–26–74 as an emergency; effective upon filing (Register 74, No. 26).
2. Repealer and new section filed 9–27–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 39).
3. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 23).

§ 57022. Laboratory Use.

Laboratory room use shall be not less than 27.5 hours per 70–hour week.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57023. Classroom Occupancy.

Classroom and seminar room station occupancy shall be not less than 66 percent of capacity.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57024. Laboratory Occupancy.

Laboratory room station occupancy shall be not less than 85 percent of capacity.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57025. Classroom Space Per Station.

The computed average space per station in both existing and future classroom, seminar room, and service areas shall be 15 square feet per student station.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57026. Small College, Sliding Scale Allowance.

HISTORY

1. Repealer filed 6–26–74 as an emergency; effective upon filing (Register 74, No. 26).
2. Repealer filed 9–27–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 39).

§ 57027. Capacity of Future Assignable Space.

The formula for determining the assignable space for future classrooms and seminar rooms per projected 100 weekly student contact hours is as follows:

$$\frac{\text{Assignable square feet per station}}{\text{Room use standard x station occupancy standard}} \times 100$$

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57028. Capacity of Future Laboratory and Service Areas.

In determining the computed capacity of future laboratory and service area facilities, the following space allocations by standard classification of subject matter shall be applied on a campus–wide basis:

ASSIGNABLE SQUARE FEET PER STATION AND PER 100 WEEKLY STUDENT CONTACT HOURS, CALIFORNIA COMMUNITY COLLEGES.

1. Classroom and Seminars

(Including Classroom Service) 8 a.m. to 10 p.m.

Campus Weekly Student Contact Hours	*ASF/STN.*	*ASF/100 WSCH**
Less than 140,000	15	47.3
140,000 or more	15	42.9

2. Teaching Laboratories

(Including Teaching Laboratory Service) 8 a.m. to 10 p.m.

Subject Grouping	*ASF/STN*	*ASF/100 WSCH**
Agriculture	115	492
Architecture	60	257
Biological Sciences	55	233
Business and Mgmt.	30	128
Communications	50	214
Computer & Info. Sci.	40	171
Education	75	321
Diesel	200	856
Air Conditioning	130	556
Refrigeration	130	556
Auto–Body & Fender	200	856
Auto–Mechanic	200	856
Auto–Technology	75	321
Small Engine Repair	100	428
Aviation Maint.	175	749
Plastics	130	556
Stationary Eng.	200	856
(Engineering)	75	321
Fine & Applied Arts	60	257
Foreign Language	35	150
Health Services	50	214
Home Economics	60	257
Letters	35	150
Library Science	35	150
Mathematics	35	150
Physical Sciences	60	257
Psychology	35	150
Pub. Affairs & Serv.	50	214
Social Sciences	35	150
Commercial Serv.	50	214
Interdisciplinary	60	257

*Based on following utilization components for space standards computation:

Classrooms and Seminars

Campus WSCH	*Hrs./wks.*		*Stn. Occ.%*		*Stn. Use*
Less than 140,000	48	X	.66	–	31.68
140,000 or more	53	X	.66	–	34.98
Laboratories:					
LD	27.5	X	.85	–	23.375

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 6–26–74 as an emergency; effective upon filing (Register 74, No. 26).
2. Amendment filed 9–27–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 39).
3. Amendment filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).
4. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
5. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
6. Editorial correction of printing error in heading (Register 91, No. 43).
7. Editorial correction of HISTORY 5 (Register 95, No. 23).
8. Change without regulatory effect amending section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 57029. Office Space.

All office space (academic offices, administrative and clerical office service rooms, and conference rooms) shall be computed at 140 assignable square feet for each full–time equivalent instructional staff member. Office space for a small Community College district shall be computed at 160 assignable square feet for each full–time equivalent instructional staff member.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57030. Library Space.

All library space shall be computed by assignable square feet for library functions as specified in the subdivisions of this section. Square feet are "assignable" only if they are usable for the function described. Areas such as the main lobby (excluding card catalogue area), elevators, stairs, walled corridors, rest rooms, and areas accommodating building maintenance services are not deemed usable for any of the described functions.

Stack Space = .1 ASF x $\frac{\text{Number of Bound Volumes}}{\text{Number of Volumes}}$

Initial Increment = 16,000 volumes

Additional Increments

(a) Under 3,000 DGE* = +8 volumes per DGS**

(b) 3,000–9,000 DGE = +7 volumes per DGS

(c) Above 9,000 DGE = +6 volumes per DGS

Staff Space = $\frac{(140 \text{ ASF x Number of FTE Staff}) + 400 \text{ ASF}}{\text{Number of FTE Staff}}$

Initial Increment = 3.0 FTE

Additional Increments

(a) Under 3,000 DGE = +.0020 FTE Staff per DGS

(b) 3,000–9,000 DGE = +.0015 FTE Staff per DGS

(c) Above 9,000 DGE = +.0010 FTE Staff per DGS

Reader Station Space = 27.5 ASF x $\frac{\text{Number of Reader Stations}}{\text{Number of Reader Stations}}$

Initial Increment = 50 Stations

Additional Increments

(a) Under 3,000 DGE = +.10 Stations per DGS

(b) 3,000–9,000 DGE = +.09 Stations per DGS

(c) Above 9,000 DGE = +.08 Stations per DGS

Total Space = Initial Increment = 3,795 ASF
Additional Increments
(a) Under 3,000 DGE = +3.83 ASF per DGS
(b) 3,000–9,000 DGE = +3.39 ASF per DGS
(c) Above 9,000 DGE = +2.94 ASF per DGS

For audio-visual and programmed instruction activities associated with library learning resource functions, additional areas sized for individual needs but not exceeding the following totals for the district as a whole.

Total Space = Initial Increment = 3,500 ASF
Additional Increments
(a) Under 3,000 DGE* = 1.50 ASF per DGS **
(b) 3,000–9,000 DGE = 0.75 ASF per DGS
(c) Above 9,000 DGE = 0.25 ASF per DGS

* Day-Graded Enrollment
** Day-Graded Student

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57031. Abbreviations.

ASF/STN = Assignable square feet per student station
Classrooms:
Hrs./Wk. = Number of hours out of a 70-hour week, 8 a.m. to 10 p.m., a classroom, on the average, should be used
Class Laboratories:
Hrs./Wk. = Number of hours out of a 70-hour week, 8 a.m. to 10 p.m., a class laboratory, on the average, should be used
STN. Occ. = The percentage of expected student station occupancy when rooms are in use
STN. Use = The number of hours per week (out of the 70-hour week for classrooms and class laboratories) which a student station, on the average, should be used
WSCH = Weekly Student Contact Hours–8 a.m. to 10 p.m. WSCH for nonlaboratory (lecture) and laboratory hours.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57032. Formula for Deriving the Standards.

$$\frac{\text{ASF/STN}}{\text{Hrs./Wk. x STN. Occ.}} \times 100 = \text{ASF/100 WSCH}$$

Example A. For determining ASF/WSCH in Classrooms and Seminars on an 8 a.m. to 10 p.m. basis:

ASF/STN. = 15

Hrs./Wk. = 53 $\frac{15}{53.0 \times .66} \times 100 = 42.9$ ASF/100 WSCH

STN./Occ. = .66

Example B. For determining ASF/WSCH in Biological Science Laboratory on an 8 a.m. to 10 p.m. basis:

ASF/STN = 55

Hrs./Wk. = 27.5 $\frac{55}{27.5 \times .85} \times 100 = 235$ ASF/100 WSCH

STN./Occ. = .85

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57033. District Matching Share.

NOTE: Authority cited: Sections 71020, 81805 and 81838, Education Code. Reference: Sections 81802, 81806, 81807, 81830, 81831 and 81838, Education Code.

HISTORY

1. New section filed 2–6–86; effective thirtieth day thereafter (Register 86, No. 6). For history of former section, see Registers 83, No. 18 and 78, No. 3.
2. Repealer filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57033.1. Determination of District's Matching Share; Adoption of Criteria; Chancellor's Recommendation; Review by Board in Forwarding Budget Request to Department of Finance.

The Chancellor shall adopt criteria for determining districts' matching shares of the cost of capital outlay projects. Pursuant to that criteria, the Chancellor shall recommend each district's match, which shall be reviewed by the Board in forwarding its annual budget request to the Department of Finance for determination by the Legislature.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57034. Waiver of District Matching Share.

NOTE: Authority cited: Sections 71020, 81805 and 81838, Education Code. Reference: Sections 81802, 81806, 81807, 81830, 81831 and 81838, Education Code.

HISTORY

1. New section filed 2–6–86; effective thirtieth day thereafter (Register 86, No. 6).
2. Repealer filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

Subchapter 1.5. Energy and Resource Conservation

§ 57050. General Provisions.

For the purposes of administration and implementation of Board of Governors Energy and Resources Policy under the Community College Construction Act, the provisions of this subchapter apply.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 70901 and 81800–81839, Education Code.

HISTORY

1. New subchapter 2 (sections 57050–57055) filed 9–25–80; effective thirtieth day thereafter (Register 80, No. 39).
2. Redesignation of subchapter 2 as chapter 1.5 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

3. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57051. Definitions.

For the purposes of this subchapter:

(a) "Energy Conservation Project" means the acquisition, development, or modification of facilities and equipment which result in the conservation of energy; energy audits; energy conservation and operating procedures; energy conservation measures; water conservation measures; and redraft consisting of modifications made to existing equipment or structures.

(b) "Energy Conservation Program," means an organized activity approved and adopted by a community college district governing board in the form of a written summary of the activities by the district toward the conserving of energy sources.

(c) "Energy Audit (EA)," means the nontechnical review of a facility to ascertain the existing level of energy use efficiency.

(d) "Technical Audit" (TA), means a specialized study designed to identify and specify energy resource savings and related cost savings which may be realized as a result of modification of maintenance and operating procedures, acquisition and installation of one or more specified energy conservation measures, or planning of specific remodeling, renovation, repair and replacement of facilities.

(e) "Technical Auditor" means a California registered engineer with energy conservation experience authorized by the California Energy Commission to conduct technical audits for all public building in the State of California.

(f) "Pay–back Period" is the length of time required for the flow of net cash proceeds or cash saving produced by an investment to equal the original cash outlay required by the investment.

(g) "Energy Conservation Measure" means an installation or modification of a system in a building or facility which is primarily intended to reduce energy consumption or allow the use of a more desirable energy source.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800–81839, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57052. Need for Energy Conservation Projects.

(a) For those districts requesting a state supported energy conservation project, a summary of the local district Energy Conservation program as adopted by the governing board shall be a part of the annual district Five–Year Construction Plan.

(b) A community college district submitting an energy conservation project for state aid under the capital outlay program of the Community College Construction Act of 1980 shall indicate the need for such assistance in the annual district Five–Year Construction Plan. Such need is to appear as a component part of the Statement of Educational Plans for the district.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800–81839, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57053. Identification of Energy Conservation Projects.

(a) When the need for state financial assistance for an energy conservation project (as defined in subsection (a) of section 57051) has been adequately established, it shall be submitted as a project planning guide in accordance with established format to the Chancellor's Office.

(b) The project planning guide shall contain evidence of an approved Energy Audit (EA) on file with the California Energy Commission.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800–81839, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57054. Evaluation of Energy Conservation Projects.

All projects submitted as energy conservation related shall be ranked on the basis of criteria developed by the Chancellor's Office and shall include but not be limited to:

(a) Level of energy use–those projects identified to correct conditions of higher energy use application shall receive higher priority evaluation.

(b) Pay–back period–those projects which by their design or proposed application demonstrate the shortest possible pay–back period shall receive higher priority evaluation.

(c) The extent to which the district has implemented an energy conservation program which meets the objectives specified in Board of Governors Policy Statement on Energy and Resource Conservation.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800–81839, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57055. Developmental Progression of Energy Conservation Related Capital Outlay Projects.

(a) Energy conservation related projects shall be evaluated and ranked for approval by the Chancellor following the existing procedures for the statewide capital outlay program.

(b) Upon securing approval of a proposed energy conservation project by all appropriate review agencies, the governing board of a community college may submit to the Chancellor for approval, or disapproval, preliminary plans for the project.

(c) Preliminary plans for energy related projects shall include:

(1) The results of a technical audit (TA) performed by an authorized Technical Auditor which describes in detail the energy conservation measures the project is to institute.

(2) The status of the project as related to the various federal and state aided programs for energy conservation.

(3) An architectural and/or engineering analysis setting forth the detailed costs of the various elements of the project.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800–81839, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57060. Legislative Findings, Declarations and Intent; Energy Conservation.

The Board of Governors finds and declares that it is in the interest of the state and of the people thereof for the state to aid community college districts in finding cost–effective methods of conserving energy in buildings maintained by the districts. The Board of Governors also finds that while many districts may desire to participate in energy conservation programs designed to reduce the steadily rising costs of meeting the energy needs of district buildings, that the costs involved in improving existing facilities to become more energy efficient are often prohibitive.

It is the intent of the Board of Governors in adopting this regulation to encourage community college districts to retrofit buildings so as to conserve energy and reduce the costs of supplying energy.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57061. Community College Districts, Borrowing; Retrofitting Buildings for Energy Conservation; Savings and Loan Investment.

(a) Community college districts may borrow funds from federal or state regulated financial institutions for the purposes of design and construction costs associated with retrofitting buildings to become more energy efficient. Community college districts shall only be authorized to borrow an amount which does not exceed that which can be repaid from energy cost avoidance savings accumulated from the improvement of school facilities.

(b) Any savings and loan association may make loans or advances of credit pursuant to the provisions of subdivision (a) in an amount not in excess of 5 percent of its total assets. This investment may be in addition to any other investment savings and loan associations are permitted to undertake under the provisions of the Financial Code.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Change without regulatory effect amending subsection (c) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 57062. Pre–Audits and Post–Audits for Buildings.

To the extent that these services are available, community college districts shall arrange for the pre–audit and post–audit of buildings by investor–owned or municipal utility companies or by independent energy audit companies or organizations which are recognized by federal or state regulated financial institutions. The pre–audit shall identify the type and amount of work necessary to retrofit the buildings and shall include an estimate of projected energy savings. The post–audit shall be conducted upon completion of the retrofitting of the buildings to insure that the project satisfies the recommendations of the pre–audit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57063. Contracts.

Community college districts taking action under this article shall contract with qualified businesses capable of retrofitting school buildings. To the extent that lists of qualified businesses are made available to community college districts by investor–owned or municipal utility companies or federal or state regulated financial institutions, community college districts may utilize the services of these businesses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

Subchapter 2. Environmental Quality

§ 57100. General.

(a) The regulations adopted under this Chapter are pursuant to the California Environmental Quality Act of 1970 (division 13 commencing with section 21000 of the Public Resources Code) and Guidelines adopted by Secretary for Resources in Division 6, Title 14, California Administrative Code.

(b) The purpose of these regulations is to provide basic principles, objectives, criteria and definitions for use by the Chancellor of the California Community Colleges in reviews required by the Education Code of community college construction projects.

(c) It is the intent of the Board of Governors to adopt in substance the Guidelines adopted by the Secretary for Resources in division 6, title 14, California Administrative Code, section 15000 et seq.

NOTE: Authority cited: Sections 66700 and 70901, Education Code, and Section 21082, Public Resources Code. Reference: Division 13 (commencing with Section 21000), Public Resources Code.

HISTORY

1. New chapter 2 (sections 57100 through 57140, not consecutive) filed 4–26–74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of article 1 heading and amendment of section filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 23).

§ 57101. Purpose.

HISTORY

1. Repealer filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 57120. Basic Guidelines.

HISTORY

1. Repealer of Article 2 heading and Section 57120 filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).

§ 57121. Application.

(a) When reviewing proposals from Community College districts for acquisition of land to be used as a site for college facilities, the Chancellor shall also review the Community College district's Initial Study (section 15080, title 14, California Administrative Code) of the development intended on the land and include the result of this review in a site review report.

(b) The Chancellor shall require that proposals for initial construction of facilities for a new campus be accompanied by a long–range plan for physical development approved by the district governing board which shows the intended use of all portions of the land and approximate location of buildings and facilities.

(c) The Chancellor shall require that an Initial Study, pursuant to section 15080, title 14, California Administrative Code, be submitted to the Chancellor's office concurrent with other required information.

(d) The Chancellor shall require that a copy of the (1) finding of Categorical Exemption (section 15023, title 14, California Administrative Code); Negative Declaration (section 15083, Title 14, California Administrative Code); or Notice of Completion (section 15085(c), title 14, California Administrative Code), whichever is appropriate, be submitted to his office concurrently with preliminary plans.

(e) The Chancellor shall require a copy of the findings of Categorical Exemption or Notice of Determination (section 15085(g), Title 14, California Administrative Code), whichever is appropriate, be submitted to the Chancellor's office concurrently with plans submitted for approval in accordance with section 81837 of the Education Code.

(f) The Chancellor shall withhold authorization of the use of state funds for construction until requirements of the California Environmental Quality Act of 1970 have been met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Division 13 (commencing with Section 21000), Public Resources Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57140. Procedures.

NOTE: Authority cited: Sections 71020 and 71062, Education Code. Reference: Section 71091, Education Code; Division 13 (commencing with Section 21000), Public Resources Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer of article 3 heading and new NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

Subchapter 3. District Funded Construction Projects

§ 57150. Purpose.

The purpose of these regulations is to provide basic definitions, principles, and standards for use by the Chancellor of the California Community Colleges in considering any district-funded construction project subject to the requirements of section 81837 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. New chapter 3 (sections 57150-57158, not consecutive) filed 10-30-80; effective thirtieth day thereafter (Register 80, No. 44).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57152. Definitions.

(a) "Capital Outlay Project" includes purchase of land and costs related thereto, including court costs, condemnation costs, legal fees, title fees, etc.; construction projects, including working drawings; and equipment related to a construction project regardless of cost or timing.

(b) "Construction Project" includes new construction, alteration, and extension or betterment of existing structures.

(c) "State-Funded Project" means a capital outlay project qualifying as a project pursuant to section 81805 of the Education Code, and for which a district requests or receives State funding assistance.

(d) "District-Funded Project" means a capital outlay project subject to the provisions of section 81837 of the Education Code for which any funds, other than state funds, are paid or to be paid for erecting, adding to, or altering any community college facility.

(e) "Five-Year Construction Plans" means a plan for capital construction for community college purposes of a community college district for the five-year period commencing with the next proposed year of funding.

NOTE: Authority cited: Sections 66700, 70901 and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57154. Application.

In each case, the application for approval of plans for a district-funded project shall be accompanied by the plans and full, complete and accurate take-off of assignable and gross square feet of space, which shall comply with any and all requirements prescribed by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901, and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57156. Review.

The review and evaluation of plans for a district-funded project by the Chancellor, shall include the following elements:

(a) Review and evaluate each district-funded project with reference to the elements of the capital construction program specified in Education Code section 81821.

(b) The review and evaluation shall be directed particularly to ascertain whether the locally funded project is of appropriate size, is appropriately timed and is justified in terms of the elements of the capital construction plans and where applicable, the standards as adopted by the Board of Governors.

NOTE: Authority cited: Sections 66700, 70901, and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57158. Chancellor's Response to Request for Approval of Plans.

(a) When analysis by the Chancellor shows that approval of the plans for a proposed locally-funded construction of a community college facility would not result in facilities which would be substantially at variance with space and utilization standards adopted by the Board of Governors, the Chancellor shall approve the plans.

(b) When analysis by the Chancellor shows that approval of the plans would result in facilities which would be substantially at variance with space and utilization standards adopted by the Board of Governors, the Chancellor shall respond by:

(1) Imposing conditions for the approval of the plans; or

(2) Finding that despite the substantial variance with space standards, the plans, as submitted, are acceptable, and responding to the district with:

(A) Cautions, and/or

(B) Appraisal of the potential consequences of this variance.

NOTE: Authority cited: Sections 66700, 70901 and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment of subsection (b) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

Subchapter 4. Deferred Maintenance

§ 57200. Purpose.

For the purposes of administration and implementation of the Community Colleges Facility Scheduled Maintenance and Special Repair Program as required by Education Code section 84660, the provisions of this subchapter shall apply.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. New chapter 4 (sections 57200–57205) filed 7–8–82; effective thirtieth day thereafter (Register 82, No. 28).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 57201. General Requirements.

Each community college district applying to receive funds pursuant to this subchapter shall:

(a) Prepare and submit to the Chancellor a current five–year maintenance plan. The plan shall be consistent with the district's five–year capital outlay plan, but shall not duplicate that plan. The plan shall provide for ongoing as well as scheduled maintenance.

(b) Maintain a level of ongoing maintenance during the year for which funds are requested commensurate with the level of activity in prior years.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Change without regulatory effect amending first paragraph and subsection (a) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 57202. Application for Funds.

Districts shall apply to the Chancellor's Office for funding for scheduled maintenance in the form and manner specified by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Change without regulatory effect amending section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 57203. Allocation of Funds.

The Chancellor shall allocate the funds appropriated by the Legislature as soon as such funds are available, and in accordance with the project priorities established, provided that ten percent (10%) of the funds may be held for contingencies that may occur during the year. Any such funds initially held for contingencies shall be allocated prior to the end of the fiscal year.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57204. Selection of Projects.

The Chancellor shall evaluate district applications and rank projects for funding. Projects shall be ranked for funding using the following criteria, which shall be ranked equally:

(a) Health and Safety. Priority shall be given to projects necessary to meet safety requirements and to correct hazardous conditions which, if uncorrected, would result in facility closure or danger to staff and students utilizing the facility.

(b) Prevention of Further More Costly Repairs. Priority shall be given to scheduled maintenance for instructional facilities necessary to prevent substantially increased maintenance or replacement costs in the future.

(c) Disruption of Programs. Priority shall be given to projects necessary to prevent disruption of instructional programs.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Change without regulatory effect amending subsection (b) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 57205. District Match.

The Chancellor will allocate funds for only fifty percent of the costs for a scheduled maintenance project. In accepting funds under this subchapter, a district agrees to spend district funds necessary to complete the project. The Chancellor may waive this requirement in whole or in part for projects for which the district demonstrates that it cannot make available fifty percent of the costs for the project from other sources.

The Chancellor shall waive this requirement only for projects with high priority for funding. Highest priority shall be given to those projects which the Chancellor determines are necessary to prevent a facility from being closed.

Where projects would otherwise be of equal rank, first priority shall be given to those projects for which the district provides matching funds.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Change without regulatory effect amending first paragraph filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Chapter 9. Fiscal Support

Subchapter 1. Attendance

Article 1. General Provisions

§ 58000. Introduction.

The documentation requirements set forth in this subchapter have been developed to promote standardized, accurate reporting of data used for calculating the State general apportionment, and to facilitate audits of related community college records. This documentation, based on detailed tabulations of course sections and appropriate support records as described below, shall be available to the auditor retained by the district pursuant to Education Code Section 84040, the Department of Finance, the Auditor General, and the Chancellor's Office. These records may also be required by federal auditors when federal funds are involved.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

HISTORY

1. New division 9, chapters 1 through 4 (§ § 58000–58253, not consecutive) filed 12–29–71; effective thirtieth day thereafter (Register 72, No. 1).

2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of division 9 (chapters 1-4, sections 58000-58253, not consecutive) filed 12-21-81; effective thirtieth day thereafter (Register 81, No. 52). For prior history, see Registers 79, No. 46; 77, No. 45; and 72, No. 1.
4. New division 9 (chapters 1-4, sections 58000-58308, not consecutive) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31).
5. Amendment of section and NOTE filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

§ 58002. Change in Academic Year Terms.

Prior to any change in academic year terms, including the addition, deletion, shortening, or lengthening of any term, the governing board of a district shall request and obtain the approval of the Chancellor. The provisions of Subchapter 8 (commencing with Section 55700) of Chapter 6 shall govern the content, review, and approval of such requests.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section and NOTE filed 5-15-93; operative 6-14-93 (Register 93, No. 25).
2. Amendment of section and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 2. Attendance Reporting Procedures

§ 58003. Computation of ADA.

NOTE: Authority cited: Sections 71020, 76300 and 84520, Education Code. Reference: Sections 76300, 84520, 84521 and 84522, Education Code.

HISTORY

1. New section filed 11-10-82; effective thirtieth day thereafter (Register 82, No. 46).
2. Repealer filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

§ 58003.1. Full-time Equivalent Student; Computation.

(a) Pursuant to the provisions of section 58051, the units of full-time equivalent student for apportionment purposes shall be computed for courses, including those delivered by distance education under article 1 (commencing with section 55200) of subchapter 3 of chapter 6, based on the type of course, the way the course is scheduled, and the length of the course.

(b) The governing board of each community college district shall, for each of its colleges or its district, select and establish a single primary term length for credit courses that are scheduled regularly with respect to the number of days of the week and the number of hours the course meets each week, inclusive of holidays. The units of full-time equivalent student of credit courses scheduled coterminously with the term, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the student contact hours of active enrollment as of Monday of the weeks nearest to one-fifth of the length of the term, unless other weeks are specified by the Chancellor to incorporate past practice, by the term length multiplier, and divided by 525. The term length multiplier for attendance accounting purposes shall be determined in accordance with this chapter, provided that the maximum multiplier for semester length terms shall be 17.5 and the maximum multiplier for quarter length terms shall be 11.67.

(c) For credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term established pursuant to subdivision (b), or scheduled during the summer or other intersession, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the daily student contact hours of active enrollment as of the census days nearest to one fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525.

(d) For credit courses scheduled to meet for fewer than five days, and all credit courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by dividing actual student contact hours of attendance by 525.

(e) For all open entry-open exit credit courses and for all noncredit courses otherwise eligible for state aid, except those described in subdivision (f), the units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525.

(f) For distance education courses not computed using other attendance accounting procedures described in this section and for independent study and cooperative work-experience education courses, the following alternative attendance accounting procedure shall be used:

(1) For credit courses, for purposes of computing full-time equivalent student only, one weekly student contact hour shall be counted for each unit of credit for which a student is enrolled in one of those courses. The full-time equivalent student of those courses shall be computed by multiplying the units of credit for which students are enrolled as of the census day prescribed in subdivision (b) or (c), as appropriate, for the primary term or intersession and duration for which the course is scheduled, by the term length multiplier as provided for in subdivision (b), and dividing by 525.

(2) For noncredit course sections covered by this subdivision, for purposes of computing full-time equivalent student only, weekly student contact hours shall be derived by counting the total hours of instruction or programming received by the students, plus instructor contact as defined in sections 55204 or 55234, plus outside-of-class work expected as noted in the course outline of record and approved by the curriculum committee, and dividing the total number of hours for the course thus derived by 54. Hours of instruction or programming received shall be independently verified by the instructor using a method or procedure approved by the district according to policies adopted by the local governing board as required by section 58030. Full-time equivalent student for such noncredit course sections shall be computed by:

(A) multiplying the average of the number of students actively enrolled in the section as of each census date (those dates nearest to one-fifth and three-fifths of the length of the course section) by,

(B) the weekly student contact hours as derived above in this section, by

(C) the primary term length multiplier of 17.5, and

(D) dividing by 525.

(g) Notwithstanding subdivisions (b) and (c) of this section, the units of full-time equivalent student for any credit course other than independent study and cooperative work-experience education courses may, at the option of the district, be computed by dividing the actual student contact hours of attendance by 525. When a district chooses to exercise the option of computing attendance for any course section by the actual student contact hours method, such method must be used consistently for all attendance accounting for that section.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error inserting (a) in first paragraph (Register 91, No. 43).
3. Amendment of subsections (b), (c) and (g) filed 5-15-93; operative 6-14-93 (Register 93, No. 25).
4. Amendment of subsections (a), (f) and (g) and new subsections (f)(1)-(2) filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
5. Amendment of section heading and text filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Editorial correction of HISTORY 1 (Register 95, No. 23).

7. Amendment of subsection (f)(2) filed 12–27–2000; operative 1–26–2001. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2001, No. 7).
8. Amendment of subsections (d) and (f)(1)–(2) filed 12–3–2001; operative 1–2–2002. Submitted to OAL for printing only (Register 2001, No. 50).
9. Amendment filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).
10. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
11. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
12. Amendment of subsections (e), (f) and (f)(2) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58003.2. Credit Courses; Full Term; Less Than Full Term.

(a) For the purposes of this Chapter, full–time equivalent student (FTES) of students enrolled in any credit course, which is scheduled for the full term of a quarter or a semester, or for other sessions as approved by the Chancellor to meet the requirements of Section 58142, shall be computed pursuant to Section 58003.1.

(b) Notwithstanding the provisions of Section 58003.1, full–time equivalent student (FTES) of students enrolled in any credit course, other than courses offered pursuant to Subsection (a) of Section 58051 or Section 58009.5, which is scheduled for a period of time other than the full term of a quarter or semester, or for other sessions approved for the purposes of Section 58142, shall be computed by dividing actual class hours of attendance by 525.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58003.3. Alien Students.

Notwithstanding section 68062 of the Education Code, for the purposes of crediting community college attendance for apportionments from the State School Fund, a community college district may claim the attendance of students living in California who have been lawfully admitted to the United States in accordance with all applicable laws of the United States and enrolled in noncredit courses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).
4. Amendment filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).

§ 58003.4. Full–Time Equivalent Student; Periodic Reports; Increases and Decreases in Apportionments.

(a) For the purposes of this chapter, the governing board of each community college district shall report to the Chancellor during each fiscal year the full–time equivalent student of the district for:

(1) the period between July 1st and December 31st to be known as the "first period" report for the first principal apportionment, and

(2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment.

(3) The period between July 1st and June 30th, inclusive, to be known as the "annual report." If the full–time equivalent student in the colleges of a district for the period of time between July 1st and June 30th is greater or less than the full–time equivalent student in the colleges reported for the second period report, the appropriate increases and decreases in the attendance shall be recomputed on the basis of the fiscal year in which such increases and decreases in full–time equivalent student were applicable, and the appropriate increases and decreases in apportionment shall be added or withheld in the next succeeding fiscal year pursuant to section 58134.

(b) If a district determines, after filing its annual report, that the actual full–time equivalent student in the colleges of the district for the period of time between July 1st and June 30th is greater or less than the full–time equivalent student in the colleges reported in its annual report, the district shall report the appropriate increases and decreases in attendance for that fiscal year and the appropriate increases and decreases in apportionment shall be added or withheld in the next succeeding fiscal year pursuant to section 58134. This report shall be known as the "revised annual report."

(c) A district's annual report shall also be known as its "final attendance report" for the fiscal year in question unless a revised annual report is filed pursuant to subdivision (b), in which case, the revised annual report shall be deemed to be the "final attendance report" for that fiscal year.

(d) Each report shall be prepared in accordance with deadlines and instructions on forms prescribed and furnished by the Chancellor, and full–time equivalent student shall be computed as required by such forms.

The attendance in noncredit classes maintained after April 15 of the preceding year and prior to the end of each reporting period shall be reported on each report.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in subsection (2) (Register 91, No. 43).
3. Amendment filed 5–15–93; operative 6–14–93 (Register 93, No. 25).
4. Amendment of section heading and text filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Editorial correction of HISTORY 1 (Register 95, No. 23).
6. Amendment filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 58003.5. Computation of ADA for Fiscal Year 1982–83.

NOTE: Authority cited: Sections 71020, 76300 and 84520, Education Code. Reference: Sections 76300 and 84520, Education Code.

HISTORY

1. New section filed 11–10–82; effective thirtieth day thereafter (Register 82, No. 46).
2. Repealer filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58003.6. Apportionment for Certain Nonresidents Attending High School in California.

In accordance with section 68130.5 of the Education Code, students who are exempt from nonresident tuition pursuant to section 54045.5 may be included in calculating credit full–time equivalent student (FTES) for apportionment purposes.

NOTE: Authority cited: Sections 66700, 68130.5 and 70901, Education Code. Reference: Section 68130.5, Education Code.

HISTORY

1. New section filed 5–3–2002; operative 6–2–2002. Submitted to OAL for printing only (Register 2002, No. 25).

§ 58004. Application of Census Procedures.

(a) The census procedures specified in subdivisions (b) and (c) of section 58003.1 shall apply to all credit courses, except for work experience and independent study pursuant to subdivision (f) of section 58003.1, and credit courses which are being reported on an actual attendance basis pursuant to subdivision (g) of section 58003.1.

(b) The single primary term length census procedure specified in subdivision (b) of section 58003.1 shall be applied using the following:

(1) The term length multiplier shall be determined by counting each week in which at least three days of instruction or examination in term length courses are scheduled.

(2) Courses scheduled coterminous with the term are those courses scheduled to meet each week of the term, exclusive of final examination scheduling.

(3) The census procedure specified in this subdivision may not be applied to any term shorter than ten weeks.

(c) Districts shall, according to procedures adopted by the governing board, clear the rolls of inactive enrollment. Inactive enrollment in a course is defined as follows:

As of each census day, any student who has

(1) Been identified as a no show, or

(2) Officially withdrawn from the course, or

(3) Been dropped from the course. A student shall be dropped if no longer participating in the course, except if there are extenuating circumstances. "No longer participating" includes, but is not limited to, excessive unexcused absences but must relate to nonattendance. "Extenuating circumstances" are verified cases of accidents, illness, other circumstances beyond the control of the student, and other conditions defined by the governing board and published in regulations. The "drop date" shall be the end of business of the day immediately preceding the census day.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. New section filed 11-10-82; effective thirtieth day thereafter (Register 82, No. 46).
2. Amendment of subsections (a) and (b) and NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
3. Amendment of subsections (a), (b)(3) and (c)(3) filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58005. Census Weeks and Census Days.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Sub-

[The next page is 394.13.]

mitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58006. Application of Actual Student Contact Hours of Attendance Procedure.

The actual student contact hours of attendance procedure is based upon a count of students present at each course meeting, and shall apply to:

(a) All credit courses (exclusive of independent study, work experience and distance education courses computed using the alternative attendance accounting procedure described in subdivision (f) of section 58003.1) scheduled to meet for fewer than five days, or credit courses of five or more days which are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets;

(b) All open entry/open exit courses;

(c) All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (f)(2) of section 58003.1;

(d) Inservice training courses in the areas of police, fire, corrections, and other criminal justice system occupations as defined in subdivision (c) of section 58051.

(e) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.

(f) A district may use, but shall not be required to use the actual student contact hours of attendance procedure for any other credit course, exclusive of independent study and work experience education courses, which it offers.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. Amendment of subsections (d) and (f) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

2. Amendment of subsections (a) and (c) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58007. Noncredit Courses.

Contact hours of enrollment in noncredit courses, except for noncredit courses using the alternative attendance accounting procedure described in subdivision (f)(2) of section 58003.1, shall be based upon the count of students present at each course meeting. Full–time equivalent student in noncredit courses shall be computed by dividing the sum of contact hours of enrollment by 525, except for noncredit courses using the alternative attendance accounting procedure described in section 58003.1(f)(2).

Nonresidents may be claimed for purposes of calculating full–time equivalent student only if they are living in California during the period of attendance and are otherwise eligible for such purposes as provided in this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Amendment filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).

3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

4. Editorial correction of HISTORY 1 (Register 95, No. 23).

5. Amendment filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).

6. Amendment of section heading and section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

7. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58008. Application of Actual Clock Hours of Teaching Procedure.

Actual clock hours of teaching procedure is based upon a count of each 50– through 60–minute hour of instruction devoted to each indentured apprentice enrolled in and attending apprenticeship courses of related and supplemental instruction pursuant to Labor Code section 3074.

NOTE: Authority cited: Sections 8150–8153.5, 66700 and 70901, Education Code; and Section 3074, Labor Code. Reference: Sections 8150–8153 and 70901, Education Code; and Section 3074, Labor Code.

HISTORY

1. Amendment of section and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58009. Application of Alternate Attendance Procedure for Independent Study, Work–Experience and Certain Distance Education Courses.

(a) For independent study, cooperative work–experience and distance education courses using the attendance accounting procedure specified in subdivision (f) of section 58003.1, one weekly student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census day prescribed in section 58003.1(b) or (c), except for independent study or distance education laboratory courses. For independent study or distance education laboratory courses, weekly student contact hours shall be equivalent to those which would be generated for the same student effort in a laboratory course computed pursuant to subdivisions (b) or (c) of section 58003.1. For purposes of this section only, a "distance education laboratory course" means a distance education course which consists partly or exclusively of laboratory work.

(b) For credit courses, full–time equivalent student in courses described in subdivision (a) offered during primary terms is computed by multiplying the weekly student contact hours authorized pursuant to subdivision (a), generated as of the census date prescribed in section 58003.1(b) by the term length multiplier as provided for in section 58003.1, and dividing by 525.

(c) For noncredit courses described in subdivision (a), full–time equivalent student is computed on a census basis as prescribed in section 58003.1(f)(2).

(d) Full–time equivalent student in credit courses described in subdivision (a) which are conducted during a summer or other intersession is computed by multiplying the weekly student contact hours, authorized pursuant to subdivision (a) of this section, generated in each course, by a course length multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such courses conducted in the primary terms, and dividing by 525.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6–8–83; effective thirtieth day thereafter (Register 83, No. 24).

2. Amendment filed 6–4–85; effective thirtieth day thereafter (Register 85, No. 23).

3. Amendment of subsections (a) and (b) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

4. Amendment filed 4–29–94; operative 5–29–94. Submitted to OAL for printing only (Register 94, No. 18).

5. Amendment of section heading and text filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

6. Amendment of subsection (c) filed 12–27–2000; operative 1–26–2001. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2001, No. 7).

7. Amendment of subsection (c) filed 12–3–2001; operative 1–2–2002. Submitted to OAL for printing only (Register 2001, No. 50).

8. Amendment filed 5–20–2002; operative 6–19–2002. Submitted to OAL for printing only (Register 2002, No. 26).

9. Amendment of subsections (a), (b) and (d) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

10. Amendment of subsections (b) and (c) filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
11. Amendment of section heading and section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58009.5. Computation for Work–Experience Education Programs.

For the purposes of computing full–time equivalent student of community college students in cooperative education or work–experience education programs, the following provisions shall apply.

(a) One student contact hour is to be counted for each unit of cooperative education or work–experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and cooperative education or work–experience. The maximum contact hours counted for a student shall not exceed the maximum number of cooperative education or work–experience units for which the student may be granted credit under the rules and regulations of the Chancellor's Office.

(b) "Immediate supervision" of off–campus work stations shall be defined as student participation in on–the–job training as outlined under a training agreement, coordinated by the community college district under a state–approved plan, wherein the employer and the qualified community college coordinator share responsibility for on–the–job supervision.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section heading, first paragraph and subsection (a) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58010. Reporting Date Procedures.

The governing board of each community college district shall report full–time equivalent student in accordance with the provisions of section 58003.4.

(a) Full–time equivalent student for courses using census procedure may be reported in either the fiscal year in which the census day procedure is completed or in which the course ends.

If the summer, full–time equivalent student, reported by a district as specified above, impacts other districts' apportionment to the detriment of the system by maximizing the district's reported FTES, and thereby resulting in the district's prior or succeeding year's reported FTES being less than its funded base FTES, the Chancellor shall have the authority to prescribe to the district the reporting of its summer FTES.

(b) For courses using actual student contact hours of attendance procedure, the full–time equivalent student shall be reported in the period immediately following the completion of the course, even if the course overlaps fiscal years.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section and NOTE filed 2–4–93; operative 3–6–93 (Register 93, No. 6).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsection (a) and new subsection (c) filed 9–3–98; operative 10–3–98. Submitted to OAL for printing only (Register 98, No. 37).
4. Amendment of first paragraph and repealer of subsection (c) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58012. Decimals; Rounding Off; References to Whole Numbers.

In any computation of full–time equivalent student made under, or necessitated by any provision of law, the full–time equivalent student shall be computed to four decimal places and rounded to two decimal places for the purpose of reporting to the Chancellor's Office.

Whenever any reference is made to a specific whole number of units of full–time equivalent student said number shall include any fraction above said number which is less than one–half of a unit and any fraction of one–half or more of a unit above the next lowest whole number.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

Article 3. Tabulations

§ 58020. Census Day Procedure Tabulations.

(a) For each course section census week, as defined in section 58003.1(b), or each course section census day, as defined in section 58003.1(c), a separate tabulation is required for each of the course categories using a census day procedure. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:

(A) Static course identifier code

(B) Section identifier code

(C) Title

(D) Method of instruction code

(2) Number of days the daily census course is scheduled to meet or number of weeks the weekly census course is scheduled to meet.

(3) Number of class hours each daily census course section is scheduled to meet on the census day or number of class hours each weekly census course is scheduled to meet during the census week.

(A) For other than independent study and work experience courses, each listing will include:

1. Regularly scheduled contact hours
2. Hours to be arranged (TBA)
3. Total contact hours scheduled per week

(B) For independent study and work experience courses each listing will include the range of units of credit allowed.

(4) Beginning and ending dates.

(5) Date of census days.

(6) An alphabetical list of each student actively enrolled in each course section indicating:

(A) Name (last, first, initial)

(B) Student identification code

(C) Residency category as specified on Form CCFS 320

(D) Scheduled contact hours per week or per day (or units of credit for which enrolled in independent study and work experience courses).

(b) Each tabulation shall also provide a grand total of student contact hours generated by residency category.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

HISTORY

1. Amendment of subsection (a) filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).
2. Amendment of subsection (a) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58022. Actual Student Contact Hours of Attendance Procedure Tabulations.

(a) A separate tabulation is required for each of the course categories described in section 58006 of this subchapter. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:

(A) Static course identifier code.

(B) Section identifier code.
(C) Title.
(D) Method of instruction code.
(2) Number of days the course is scheduled to meet.
(3) Number of class hours each course section is scheduled to meet.
(4) Beginning and ending dates.
(5) An alphabetical list of each student actively enrolled in each course section indicating:
(A) Names (last, first, initial).
(B) Student identification code.
(C) Residency category as specified on Form CCFS 320.
(D) Actual student contact hours of attendance.
(b) Each tabulation described in this section shall also provide a grand total of actual student contact hours of attendance generated by residency category.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

HISTORY

1. Amendment of subsection (a) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58023. Class Hour Unit.

For purposes of this Article, the class hour unit for graded and ungraded classes is defined as not less than 50 consecutive minutes exclusive of passing time. In block scheduling of more than one class hour only one contact hour may be counted in each clock hour of 60 minutes, except that a fractional part of class hour beyond the last full clock hour may be counted from and including the 51st minute of the last full clock hour providing there is no class break in the last full clock or the partial class hour. The divisor for this fractional part of a class hour shall be 50.

The Chancellor's Office may, by rule and regulation, make any and all other provisions necessary to carry out the provisions of this Article.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58024. Actual Apprentice Hours of Teaching Procedure Tabulations.

(a) A separate tabulation is required for all indentured apprentices actively enrolled in each apprenticeship course of related and supplemental instruction pursuant to Labor Code Section 3074. Each tabulation shall provide a detailed listing for each course section as follows:
(1) identification
(A) static course identifier code
(B) section identifier code
(C) title
(D) method of instruction code
(2) number of days the course is scheduled to meet.
(3) number of clock hours each course section is scheduled to meet.
(4) beginning and ending dates.
(5) an alphabetical list of each student considered part of the active enrollment in each course section indicating:
(A) names (last, first, initial)
(B) student identification code, and
(C) actual clock hours (of 50 to 60 minutes) of attendance.
(b) Each tabulation described in this Section shall also provide a grand total of actual clock hours of attendance.

NOTE: Authority cited: Sections 8150–8152, 66700 and 70901, Education Code; and Section 3074, Labor Code. Reference: Sections 8150–8152, 70901, 84040 and 84040.5, Education Code; and Section 3074, Labor Code.

HISTORY

1. Amendment of NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of section heading, text and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 58025. Nonresidents.

The attendance of all students who are not residents of a community college district in courses during the academic year shall be kept separately from all other attendance, and the units of full–time equivalent student for such students shall be computed on an individual basis in the applicable manner prescribed in Section 58003.1 or Section 58007.

The units of full–time equivalent student of students who are not residents of the community college district enrolled in intersession schools and classes for adults shall be kept separately from all other attendance, and the units of full–time equivalent student for such students shall be computed on an individual basis in the applicable manner prescribed in Section 58003.1 or Section 58007.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

Article 4. Support Documentation

§ 58030. Support Documentation.

The governing board of each district shall adopt procedures that will document all course enrollment, attendance and disenrollment information required by the provisions of this subchapter. Authorized procedures shall include rules for retention of support documentation which will enable an independent determination regarding the accuracy of tabulations submitted by the district to the Chancellor's Office as the basis of its claim for State support. Such support documentation procedures shall provide for accurate and timely attendance and contact hour data and shall be so structured as to provide for internal controls.

The governing board of each district shall, upon request, make available to the Chancellor's Office a copy of its authorized procedures for course enrollment, attendance and disenrollment documentation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 84040.5, 84040.6 and 84500, Education Code.

HISTORY

1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 58031. Calculation of Attendance When Records Are Lost or Destroyed.

Whenever any attendance records of any district have been lost or destroyed, making it impossible for an accurate report on full–time equivalent student (FTES) for the district for any fiscal year to be rendered, which fact shall be shown to the satisfaction of the Board of Governors by the affidavits of the members of the governing board of the district, the Board of Governors shall estimate the FTES of such district. The estimated FTES shall be deemed to be the actual FTES for that fiscal year for the making of apportionments to the district from the State School Fund.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Sections 70901 and 84750, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

Article 5. Attendance Accounting Standards

§ 58050. Conditions for Claiming Attendance.

(a) All of the following conditions must be met in order for the attendance of students enrolled in a course to qualify for state apportionment:

(1) The course or the program of which it is a part must be approved by the Board of Governors in accordance with the provisions of subchapter 2 (commencing with section 55100) of chapter 6.

(2) The course must meet the criteria and standards for courses prescribed by section 55002.

(3) Unless expressly exempted by statute, the course must be open to enrollment by the general public, in accordance with section 58051.5 and article 1 (commencing with section 58100) of subchapter 2 of this chapter.

(4) The district may not receive full compensation for the direct education costs for the course from any public or private agency, individual or group of individuals in accordance with section 58051.5.

(5) The students enrolled in the course must be engaged in educational activities required of such students as described in the course outline of record. The number of contact hours for which apportionment is claimed shall not exceed the number specified in the course outline of record, subject to computation adjustments authorized pursuant to other provisions of this subchapter including, but not limited to, sections 58003.1, 58023 and 58164. If the course involves student use of district computers, other equipment, or facilities, the district shall monitor usage of such equipment or facilities as part of the course to ensure that they are used solely for the specified educational activities.

(6) The students must be under the immediate supervision of an employee of the district, unless provided otherwise by law.

(7) The employee of the district must hold valid and unrevoked credentials or be employed pursuant to minimum qualifications adopted by the Board of Governors or equivalencies pursuant to section 53430 authorizing the employee to render service in the capacity and during the period in which the employee served.

(b) The regulations in this article are intended to clarify and interpret attendance accounting terminology used in subsection (a), and in sections 58051 and 58055.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 78401 and 84500, Education Code.

HISTORY

1. Amendment filed 12–28–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 53).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment of section and NOTE filed 12–30–2005; operative 1–29–2006. Submitted to OAL for printing only (Register 2006, No. 1).
4. Change without regulatory effect amending subsection (a)(5) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Amendment of subsections (a) and (a)(7) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58051. Method for Computing Full–Time Equivalent Student (FTES).

(a)(1) Except as otherwise provided, in computing the full–time equivalent student of a community college district, there shall be included only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the district authorized to render service in the capacity and during the period in which he or she served.

(2)(A) A community college district may also include the attendance of students enrolled in approved courses or programs of independent study who are under the supervision, control, and evaluation, but not necessarily in the immediate presence, of an academic employee of the district who is authorized to render such service.

(B) The community college district shall determine the nature, manner, and place of conducting any independent study courses or program in accordance with the requirements of this section and article 3 (commencing with section 55230) of subchapter 3 of chapter 6.

(C) Each district conducting independent study courses shall ensure that the components of each independent study course or program for each student shall be set out in a written record or program, including the number of units (if applicable) and hours of study required, the arrangements for consultation with the instructor, and the work product to be evaluated.

(3) A community college district may also include the attendance of students enrolled in approved distance education in accordance with the provisions of article 1 (commencing with section 55200) of subchapter 3 of chapter 6.

(b) For the purpose of work–experience education programs meeting the standards of the Carl D. Perkins Career Technical Education Act of 2006 California State Plan (or any successor agreement related to career technical education), "immediate supervision" of off–campus work training stations means student participation in on–the–job training as outlined under a training agreement, coordinated by the community college district under a state–approved plan, wherein the employer and academic school personnel share the responsibility for on–the–job supervision. The student/instructor ratio in the work–experience education program shall not exceed 125 students per full–time equivalent academic coordinator.

(c) For purposes of computing the full–time equivalent student of a community college district, attendance shall also include student attendance and participation in in–service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. However, prerequisites for the courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.

(d) Notwithstanding subdivision (c) and any regulations related thereto, a community college may give preference in enrollment to persons who are employed by, or serving in a voluntary capacity with, a fire protection or fire prevention agency in any course of in–service fire training at the community college in cooperation with any fire protection or fire prevention agency or association. Preference shall only be given when such persons could not otherwise complete the course within a reasonable time and when no other training program is reasonably available. At least 15 percent of the enrollment in in–service fire training courses shall consist of persons who are neither volunteers of, nor employed by, a fire protection or fire prevention agency or association, if the persons are available to attend a course. Full–time equivalent student for the courses may be reported for state aid.

(e) Subdivision (d) shall apply only to the following:

(1) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, have been, as of January 1, 1980, the primary source of in–service fire training for any fire protection or fire prevention agency or association.

(2) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, establish in–service fire training for any fire protection or fire prevention agency or association which did not have in–service fire training, prior to January 1, 1980.

(f) In the event that in–service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in–service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(g) Positive records of student admissions and full-time equivalent student in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations, as described in subdivision (c), shall be maintained by each district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of subsections (a)(2) and (d) and new subsection (a)(3) filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
3. Amendment of section heading and text filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Amendment of subsections (a)(2)-(a)(3) filed 5-20-2002; operative 6-19-2002. Submitted to OAL for printing only (Register 2002, No. 26).
6. Amendment filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 58051.5. Reports for Apportionment; Prohibited Classes.

(a) No community college district may claim for purposes of state apportionment any classes:

(1) if the district receives full compensation for direct education costs for the class from any public or private agency, individual or group of individuals; or

(2) if the public or private agency, individual or group of individuals, with whom the district has a contract and/or instructional agreement, has received from other sources full compensation for the direct education costs for the conduct of the class; or

(3) if such classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to ensure that attendance in such classes is open to the general public, except that students may be required to meet prerequisites which have been established pursuant to sections 55002 and 55003.

(b) For classes that are not fully funded under contracts identified in paragraph (a)(2) and are claimed for apportionment purposes, the community college district shall require the contracting entity to certify that the direct education costs of the activity are not being fully funded through other sources.

NOTE: Authority cited: Sections 70901 and 84752, Education Code. Reference: Sections 70901 and 84752, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
3. Amendment of opening paragraph and subsection (b) filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. Amendment of subsections (a)-(b) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Editorial correction of HISTORY 1 (Register 95, No. 23).
6. Amendment of section and NOTE filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).
7. Editorial correction of subsection (a)(2) (Register 98, No. 36).
8. Amendment of subsection (a)(3) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58051.6. Full-Time Equivalent Student; Adult Education for Inmates of City, County, or City and County Jail, Road Camp, Farm or Federal Correctional Facility.

(a) Notwithstanding sections 58050 and 58051.5(a)(3), the governing board of a community college district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults, or a federal correctional facility may include the units of full-time equivalent student generated in those classes and computed pursuant to section 58003.1, for purposes of state apportionments. However, apportionments for these units, whether generated in credit or noncredit courses, shall be limited to the lesser of either the district's prior year's level of funding or the noncredit apportionment rate as determined by the Chancellor, multiplied by the full-time equivalent student generated in such classes.

(b) Any courses conducted under this section shall conform to the criteria and standards adopted by the Board of Governors under section 70901 of the Education Code, and shall be submitted to the Board of Governors for approval.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Sections 84810.5 and 84750, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in subsection (a) (Register 91, No. 43).
3. Amendment of section heading, text and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Amendment filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).
6. Amendment of section and NOTE filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58052. Basic Requirement.

The Board of Governors finds that the language quoted in Section 58051(a)(1) is the basic attendance accounting requirement for community colleges, and that the language is intended to promote the following purposes:

(a) To ensure the effectiveness of instruction;

(b) To ensure that state aid is apportioned according to the same standards to all districts;

(c) To ensure the safety of students; and

(d) To ensure that the state, districts, and students receive a reasonable return for monies expended.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 58054. Educational Activities Required of Students.

NOTE: Authority cited: Sections 71020, 76300 and 78405, Education Code. Reference: Sections 76300, 74805 and 84500, Education Code.

HISTORY

1. Repealer filed 12-17-84; effective thirtieth day thereafter (Register 84, No. 51).

§ 58055. Immediate Supervision.

(a) For the purposes of health sciences education programs in community colleges, "immediate supervision" means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students in clinical activities with academic personnel of the district. In all such cases the person to whom the pupil is required to report and who is not an academic district employee shall possess a valid certificate or license to practice a healing art in California.

(b) For the purposes of educational programs sponsored by the California Firefighter Joint Apprenticeship Program, the term "immediate supervision" as used in section 58051 means, in the context of classes conducted at the workplace, student participation in classes instructed by a person who is qualified, by means of education or experience, as a journeyman, and shares the responsibility for supervision of the students participating in the classes with academic personnel of the district.

NOTE: Authority cited: Sections 67000 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58056. Immediate Supervision and Control.

(a) Subdivision (a)(1) of section 58051 requires, as a condition for claiming attendance for apportionment purposes, the immediate supervision and control of an academic employee authorized to render service in a capacity and during the period in which he or she served. Immediate supervision and control requires the presence of the authorized employee. More specifically, immediate supervision or presence is characterized by all of the following:

(1) The authorized employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and

(2) The authorized employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and

(3) The authorized employee is not to have any other assigned duty during the instructional activity for which attendance is being claimed. The criteria specified above are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

(b) Under the following limited circumstances, attendance of students enrolled in a course or program which does not meet the requirements of subdivision (a) shall qualify for apportionment purposes if:

(1) The course or program is approved and being conducted as distance education in accordance with article 1 (commencing with section 55200) of subchapter 3 of chapter 6; or

(2) The course or program is approved and being conducted as independent study in accordance with subchapter 4 (commencing with section 55300) of chapter 6; or

(3) The course or program is approved and being conducted as work experience education in accordance with article 4 (commencing with section 55250) of subchapter 3 of chapter 6 of this part; or

(4) The course or program is approved and is being conducted as health sciences education in accordance with section 58055(a).

(c) Attendance generated solely under an instructional assistant or aide does not qualify for apportionment. In addition, instructional aides shall not be used to increase the number of students in relation to the number of classroom instructors in the district. However, attendance may qualify for apportionment under the following limited circumstances:

(1) The assistant or aide functions under the exclusive direction of the authorized employee assigned to that educational activity, and not independently; and

(2) The assistant or aide performs only those duties specifically authorized by law, including, but not limited to, sections 88240–88249 of the Education Code; and,

(3) The authorized employee is able, in terms of physical proximity and range of communication, to provide necessary supervision and control of students, so that by working in conjunction with the assistant or aide, the requirements of subsection (a) of this section are met.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

2. Amendment of subsections (b)(1) and (b)(3) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58058. Employee of the District.

(a) A person is an "employee of the district" within the meaning of subdivision (a)(1) of Section 58051 if:

(1) The district has the primary right to control and direct the person's activities during the time such person is serving the district; and

(2) A contract exists between the person and the district, indicia of which may include provisions which specify the terms and conditions of work, salary and other compensation, work to be performed, and employment classification; and,

(3) The district compensates the person according to an adopted salary or wage schedule which complies with the provisions of Article 8 (commencing with Section 87801), Chapter 3, Part 51 of the Education Code.

(b) For the purposes of complying with the requirements of this section, a district may also contract for instruction to be provided by a public or private agency. Such contracts shall specify that the district has the primary right to control and direct the activities of the person or persons furnished by the public or private agency during the term of the contract. In addition, the district shall enter into a written contract with each person furnished by the public or private agency; and said contracts shall meet the requirements of subsection (a)(1) and (2) of this section. In this manner an individual employed will continue to be an employee of a public or private agency, while at the same time qualifying as an employee of the district.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 84500 and 87801, Education Code.

HISTORY

1. Amendment of subsections (a) and (a)(3) and NOTE filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 58060. Valid Employment Qualifications.

For the purposes of Sections 58051 and 58056, the employee is deemed authorized to perform the services because he or she is employed pursuant to a valid, unrevoked credential issued by the Board of Governors or pursuant to minimum qualifications adopted by the Board of Governors or equivalencies pursuant to Section 53430.

(a) If the person serves pursuant to a credential,

(1) It must authorize the holder to provide instruction in the particular subject matter or matters; and

(2) It must authorize the holder to provide that instruction during the period in which the holder is providing it.

(b) If the person serves pursuant to minimum qualifications adopted by the Board of Governors or equivalencies, the qualifications or equivalencies must be related to the assignment and effective during the period of instruction for which attendance is being claimed.

(c) For purposes of this section, an employee is deemed authorized to perform the services if he or she is employed as a faculty intern.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 84500 and 87487, Education Code.

HISTORY

1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

2. Editorial correction of subsection (b) (Register 95, No. 47).

Subchapter 2. Limitations on State Aid

Article 1. Open Courses

§ 58100. Open Enrollment.

NOTE: Authority cited: Sections 71020, 71062 and 84500.1, Education Code. Reference: Section 84500 and 84500.1, Education Code.

HISTORY

1. Repealer filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

§ 58102. Course Description.

The description of each course shall be clear and understandable to the prospective student and shall be published in the official catalog, and/or schedule of classes, and/or addenda.

A course description may indicate that the course is designed to meet certain specialized needs. If so indicated, the availability of the course to all qualified students must also be affirmed.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. Amendment of NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58104. Dissemination of Information.

All courses to be conducted shall be described in the official general catalog and/or addenda and listed in the schedules of classes.

Courses which are established or conducted after publication of the general catalog or regular schedule of classes shall be reasonably well publicized.

Announcements of course offerings shall not be limited to a specialized clientele, nor shall any group or individual receive notice prior to the general public for the purposes of preferential enrollment, limiting accessibility, or exclusion of qualified students.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. Amendment of NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58106. Limitations on Enrollment.

In order to be claimed for purposes of state apportionment, all courses shall be open to enrollment by any student who has been admitted to the college, provided that enrollment in specific courses or programs may be limited as follows:

(a) Enrollment may be limited to students meeting prerequisites and corequisites established pursuant to section 55003.

(b) Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning or legal requirements imposed by statutes, regulations, or contracts. The governing board shall adopt policies identifying any such limitations and requiring fair and equitable procedures for determining who may enroll in affected courses or programs. Such procedures shall be consistent with one or more of the following approaches:

(1) limiting enrollment to a "first–come, first–served" basis or using other nonevaluative selection techniques to determine who may enroll; or

(2) limiting enrollment using a registration procedure authorized by section 58108; or

(3) in the case of intercollegiate competition, honors courses, or public performance courses, allocating available seats to those students judged most qualified; or

(4) limiting enrollment in one or more sections of a course to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions; or

(5) limiting enrollment using any selection procedure expressly authorized by statute; or

(6) with respect to students on probation or subject to dismissal, the governing board may, consistent with the provisions of sections 55031 and 55032, limit enrollment to a total number of units or to selected courses, or require students to follow a prescribed educational plan.

(c) A student may challenge an enrollment limitation established pursuant to subdivision (b) on any of the following grounds:

(1) the enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(2) the district is not following its policy on enrollment limitations;

(3) the basis upon which the district has established an enrollment limitation does not in fact exist; or

(4) any other criteria established by the district.

(d) The student shall bear the burden of showing that grounds exists for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the district shall waive the enrollment limitation with respect to that student.

(e) In the case of a challenge under subdivision (c)(1), the district shall, upon completion of the challenge procedure, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10. Completion of the challenge procedure shall be deemed to be an effort at informal resolution of the complaint under section 59327.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Repealer and new section filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42). For prior history, see Register 92, No. 15.
2. Amendment of subsections (a), (b)(2)–(3), (b)(5), (c) and (e) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
3. Amendment of subsection (a), new subsection (a)(5), subsection renumbering and amendment of newly designated subsection (a)(6) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58107. Facilities and Opportunities for Participation.

Notwithstanding any other provision of law, no public funds shall be used in connection with athletic programs conducted under the auspices of a community college district governing board or any student organization within the district, which do not provide facilities and opportunities for participation by both sexes on an equitable basis. Facilities and opportunities for participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58108. Registration and Enrollment Procedures.

Procedures for registration and standards for enrollment in any course shall be only those which are consistent with these and other sections of Title 5 and uniformly administered by appropriately authorized employees of the district.

Except as otherwise provided by state law, no student shall be required to confer or consult with or be required to receive permission to enroll in any class from any person other than those employed by the college in the district.

Students will not be required to participate in any preregistration activity not uniformly required; nor shall the college or district allow anyone to place or enforce nonacademic requisites as barriers to enrollment in or the successful completion of a class.

No registration procedures shall be used that result in restricting enrollment to a specialized clientele.

The following registration procedures are permissible: special registration assistance to the handicapped or disadvantaged student as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established pursuant to legal authority by the local board of trustees.

With respect to accessibility to off–campus sites and facilities, no student is to be required to make any special effort not required of all students to register in any class or course section. Once enrolled in the class, all students must have equal access to the site.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

HISTORY

1. Amendment of NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58110. Enrollment Limitations.

NOTE: Authority cited: Sections 71020, 71062 and 84500.1, Education Code. Reference: Sections 84500 and 84500.1, Education Code.

HISTORY

1. Repealer filed 4–3–92; operative 5–4–92 (Register 92, No. 15).

Article 2. 175–Day Rule

§ 58120. Conditions for Inclusion as a Day.

(a) For a day to count towards meeting the requirements of section 58142, courses of instruction must be offered for a minimum of three hours during the period of 7 a.m. and 11 p.m.

(b) Notwithstanding subsection (a) of this section, days of final examination may be counted toward meeting the requirements of section 58142, provided that:

(1) such examinations are administered under the immediate supervision and control of an appropriate academic employee of the district; and

(2) not more than fourteen days of final examinations shall be counted for any academic year, as defined by the district.

NOTE: Authority cited: Sections 70901 and 78401, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of section and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of subsection (a) and NOTE filed 5–23–97; operative 6–22–97. Submitted to OAL for printing only (Register 97, No. 28).

Article 3. (Reserved)

Article 4. (Reserved)

Article 5. Other Limitations

§ 58130. Noncredit Classes in Dancing or Recreational Physical Education; State Aid or Apportionment for Attendance.

No state aid or apportionment may be claimed on account of the attendance of students in noncredit classes in dancing or recreational physical education.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58130.5. Estimate of School Money to Be Apportioned.

The Chancellor shall, not later than the 25th day of July in each year, prepare an estimate of the amount of state school money that will be apportioned to each community college district during the current school year, and furnish a certified copy of the estimate to each community college district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58131. Second Principal Apportionment.

The Chancellor shall on or before June 25th of each year apportion to each community college district the total amounts allowed to them under section 84850. This apportionment shall be called the second principal apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).
4. Editorial correction of HISTORY 2 (Register 95, No. 47).

§ 58132. Final Apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58134. Adjustive Apportionment.

If during any fiscal year there is apportioned to a community college district or to any fund from Section B of the State School Fund at least one hundred dollars ($100) more or at least one hundred dollars ($100) less than the amount to which the district or fund was entitled, the Chancellor, not later than the immediate succeeding fiscal year, shall withhold from, or add to the apportionment made during such fiscal year, the amount of such excess or deficiency, as the case may be. Notwithstanding any other provision of this Division to the contrary, excesses withheld or deficiencies added by the Chancellor under this Section shall be added to or allowed from any portion of Section B of the State School Fund.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).
4. Amendment of section and NOTE filed 11–6–97; operative 12–6–97. Submitted to OAL for printing only (Register 97, No. 46).

§ 58136. Authority to Make Adjustive Apportionments or Adjustive Deductions Where Required by a Judgment.

When any judgment has been rendered which requires the apportionment from section B of the State School Fund to any district, to any other agency, or to any fund for any fiscal year of more than the amount actually apportioned thereto during such fiscal year, the difference shall be apportioned to the district, agency, or fund by the Chancellor from Section B of the State School Fund during the fiscal year following that in which the judgment becomes final before any other apportionment from section B of the State School Fund is made. Upon the becoming final of any judgment which requires the apportionment from section B of the State School Fund to any community college district, to any other agency, or to any fund for any fiscal year of difference shall be deducted from the apportionment made to such district, agency, or fund by the Chancellor from section B of the State School Fund during the fiscal year following that in which the judgment becomes final.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58138. Authority to Make Adjustive Apportionments on Inclusion of Additional Full-Time Equivalent Student.

Wherever the attendance of students is not included in the computation of the full-time equivalent student of a community college district for any fiscal year because the person employed by the district to instruct such students did not have the qualifications required for the position during the period of such attendance, the governing board of the district may, upon payment of the salary of such person pursuant to Section 87810 of the Education Code, or similar provisions of law, report such attendance to the Chancellor during the fiscal year in which such salary is paid. Such report shall be made in such form as shall be prescribed and furnished by the Chancellor. Thereafter the Chancellor shall add to the apportionment from the State School Fund to the district during the next succeeding fiscal year or years as determined by him or her but not exceeding three, the additional amount to which the district would have been entitled in the fiscal year next succeeding that in which such attendance was not included in the computation of the full-time equivalent student of the district if such amount is at least one hundred dollars ($100) or more.

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section heading and text filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58139. Criteria for Allocation of Funds.

(a) The Board of Governors, pursuant to direction included in the annual state budget act, has adopted criteria for the allocation of funds to assure that priorities identified in the budget act are implemented.

(b) A cap of two percent (2%) shall be established on district credit full-time equivalent student (FTES) activity that is not related to student needs within the three priority categories (transfer, basic skills, and vocational/workforce training).

(c) Districts shall limit their credit FTES in nonpriority areas to two percent (2%) of total credit FTES.

(d) If the Chancellor determines that a district has generated more than two percent (2%) of its credit FTES in areas outside the priority areas identified in subdivision (b), he or she shall notify the district that it will be subject to a reduction in its general apportionment (including growth for apportionment) to the extent that its full-time equivalent students exceeds the two percent (2%) cap.

(e) The reduction of a district's apportionment pursuant to subdivision (d) of this section, shall be held in abeyance if, within thirty (30) days of receiving notice of the proposed reduction, the district elects to submit to the Chancellor an explanation of how it is complying with the priorities established by this section.

(f) If the explanation is unsatisfactory, the Chancellor shall request the district to prepare a compliance plan within ninety (90) days of the request for the plan. If no plan is submitted, the plan is unsatisfactory or the district fails to adhere to the plan, the Chancellor shall proceed to make the reduction in apportionment to subdivision (d).

(g) For purposes of this section, degree applicable and ESL courses will be presumed to be related to student needs in the priority categories unless the Chancellor receives evidence to the contrary.

(h) This regulation shall be effective beginning with the 2004-05 academic year.

(i) This regulation shall not be effective in any year in which compliance with the priorities set forth in subdivision (b) is not required by the annual state budget act or some other statute.

NOTE: Authority cited: Section 70901, Education Code. Reference: 2003-2004 Budget Act (Stats. 2003, ch. 157 (AB 1765), Item 6870-101-0001, provision 5(a)).

HISTORY

1. New section filed 9-8-2004; operative 10-8-2004. Submitted to OAL for printing only (Register 2004, No. 38).

§ 58140. Limitation on District Use of Apportionment.

The governing board of each community college district shall, except as may otherwise be specifically provided by law, use all money apportioned to the district from the State School Fund during any fiscal year exclusively for the support of the school or schools of the district for that year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58142. Required Time for Maintaining Colleges During Preceding Fiscal Year; Withholding of Apportionment upon Failure to Comply.

(a) No community college district, other than one newly formed, shall, except as otherwise provided in this article, receive its full apportionment from the State School Fund unless it has maintained the colleges of the district for at least 175 days during the next preceding fiscal year.

(b) For the purposes of this article, the Board of Governors shall establish standards to determine whether the districts maintained the colleges of the district for at least 175 days during the next preceding fiscal year.

(c) If a community college district fails to maintain its colleges for the required 175 days, the Board of Governors shall withhold from that district's apportionment the product of 0.01143 times the district's apportionment for each additional day the district would have had to maintain its colleges in order to meet the requirement prescribed by this section. This subdivision shall apply retroactively to fiscal year 1975-76 and each fiscal year thereafter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58144. Newly Formed District.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58146. District Unable to Maintain School for Prescribed Time; Full-Time Equivalent Student Materially Decreased.

(a) A district which is prevented from maintaining its schools during a fiscal year for at least 175 days because of fire, flood, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war, or because of other extraordinary conditions, or because of the inability to secure or to hold an instructor, or because of the illness of the instructor, where the

lack of an instructor would close a college, which fact shall be shown to the satisfaction of the Board of Governors by the affidavits of the members of the governing board of the district, shall receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 175 days.

(b) Where a community college in a district maintaining more than one community college is closed for a part of a term by order of a city or county board of health or of the State Board of Health, or because of fire, flood, impassable roads, epidemic, or other emergency, or by an order provided for in (a), the full-time equivalent student of the community college shall be estimated separately, as provided in (c), and added to the full-time equivalent student of the other community colleges of the district.

(c) Whenever the full-time equivalent student of any district during any fiscal year has been materially decreased during any fiscal year because of:

(1) fire,

(2) flood,

(3) impassable roads,

(4) an epidemic,

(5) the imminence of a major safety hazard as determined by the local law enforcement agency,

(6) a strike involving transportation services to students provided by a nondistrict entity,

(7) the unavailability of classroom facilities leased by the district where the unavailability commences July 1, 2005, or thereafter and is caused by extraordinary factors wholly external to and beyond the control of the district, or

(8) an order provided for in (a). The facts demonstrating the applicability of one of the circumstances described in this subdivision shall be established to the satisfaction of the Chancellor by affidavits of the members of the governing board of the district. The funding workload measures of the district for the fiscal year shall be estimated by the Board of Governors in such manner as to credit to the district from the State School Fund approximately the total which would have been credited to the district had the emergency not occurred or had the order not been issued. The provisions of this section shall apply to any funding workload measure which occurs during any part of a fiscal year.

(d) As a condition to receiving the credit under subdivision (c), the district must demonstrate to the satisfaction of the Chancellor that it made good faith efforts to seek alternate facilities that were unaffected by the circumstances described in subdivision (c).

(e) No credit under subdivision (c) will be allowed for the unavailability of facilities for more than one full term beyond the beginning of the circumstances described in subdivision (c) unless authorized by the Board of Governors.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 43).
3. Amendment of subsections (a), (c), and (c)(7) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Amendment of section heading and text filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Editorial correction of HISTORY 1 (Register 95, No. 23).
6. Amendment filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58148. Lost or Destroyed Records.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58160. Noncredit Course Funding.

(a) In order to be eligible to be claimed for state apportionment, a noncredit course must be approved pursuant to sections 55002 and 55150 and fall into one of the following statutory categories:

(1) elementary and secondary basic skills courses and other courses such as remedial academic courses in reading, mathematics, and language arts;

(2) courses in English as a second language, including vocational English as a second Language;

(3) short-term vocational courses and programs with high employment potential;

(4) workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decisionmaking, problem solving skills, and other courses required for preparation to participate in job-specific technical training;

(5) courses in citizenship for immigrants;

(6) parenting, including parent cooperative preschools, courses in child growth and development and parent-child relationships;

(7) courses and programs for persons with substantial disabilities;

(8) courses and programs for older adults;

(9) courses and programs in home economics; and

(10) courses in health and safety education.

(b) The provisions of sections 58050, 58051, 58051.5, 58130 and related provisions of this chapter also apply in determining whether a noncredit course is eligible for funding.

(c) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5, a career development or college preparation noncredit course must be part of a program or sequence of courses approved by the Chancellor pursuant to section 55151.

(d) Courses of the type described in section 55151 may not be claimed for enhanced funding if they are not part of a program or sequence of courses which is approved by the Chancellor pursuant to that section, but such courses may continue to be offered and be claimed for basic noncredit funding, provided that each individual course has been approved by the Chancellor pursuant to section 55150 and falls into one of the categories described in subdivision (a).

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 84500, 84750.5, 84757 and 84760.5, Education Code.

HISTORY

1. Amendment of subsection (a) filed 3-7-85; effective thirtieth day thereafter (Register 85, No. 10).
2. Amendment of subsection (b) and NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
3. Amendment of section and NOTE filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Amendment of subsection (a), new subsections (c) and (d) and amendment of NOTE filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 8).
5. Amendment of subsection (c) filed 4-27-2007; operative 5-27-2007. Submitted to OAL for printing only (Register 2007, No. 25).
6. Amendment filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58161. Apportionment for Course Repetition.

A community college district may claim the attendance of students who repeat credit courses for state apportionment only if so authorized by this section and if all other requirements of this chapter are satisfied.

(a) Where substandard academic work (as defined in section 55040) has been recorded for the attendance of a student in a credit course, appor-

tionment may be claimed for a maximum of two repetitions of the course to alleviate substandard work pursuant to section 55042.

(b) The attendance of students in legally mandated training as provided in section 55041 may be claimed for state apportionment without limitation.

(c) The attendance of students in credit activity courses, and other courses described in subdivision (c) of section 55041, may be claimed for state apportionment for a maximum of four semesters or six quarters (the original enrollment and three semesters or five quarters of repeated enrollment). For purposes of this subdivision, semesters and quarters include summer sessions and intersessions. This limitation applies even if the student receives a substandard grade during one or more of the enrollments in such a course or petitions for repetition due to special circumstances as provided in section 55045.

(d) The attendance of a student with a disability may be claimed for state apportionment each time the student repeats a credit special class as a disability-related accommodation which is justified by one of the circumstances described in section 56029.

(e) The attendance of a student repeating a credit course by petition pursuant to section 55045 may be claimed for state apportionment for a maximum of two repetitions.

(f) The attendance of a student repeating a credit course because the district determines pursuant to of section 55043 that there has been a significant lapse of time since the student previously took the course may be counted for only one repetition beyond the prior enrollment.

(g) State apportionment may be claimed for the attendance of a student repeating a portion of a variable unit open entry/open exit credit course only to the extent that repetition of such courses is permitted pursuant to section 55044.

(h) The attendance of a student repeating a cooperative work experience course pursuant to section 55253 may be claimed for state apportionment without limitation.

(i) To the extent permitted by article 4 of subchapter 1 of chapter 6, a district may permit repetition of credit courses beyond the limits set forth in this section, but such additional repetitions may not be claimed for state apportionment.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 8–25–83; effective thirtieth day thereafter (Register 83, No. 35).
2. Amendment of subsections (b)(2), (c)(1)–(2) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. New subsection (c), subsection relettering, amendment of newly designated subsections (d), (d)(2) and (d)(4) and amendment of NOTE filed 3–25–98; operative 4–24–98. Submitted to OAL for printing only (Register 98, No. 14).
4. Amendment of subsections (b)(1), (b)(3) and (d)(4) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
5. Repealer and new section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
6. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58161.5. Apportionment for Re-Enrollment After Withdrawal.

Notwithstanding section 58161 or any other provision of law, a community college district may not claim apportionment for the attendance of a student in a credit course if the student withdraws from the course and a "W" symbol, as defined in section 55023, is assigned to the student and the "W" symbol has previously been assigned to that student for that same course at colleges within the district on four or more occasions.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
2. Amendment filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58161.7. Recommendations Regarding Repetition of Noncredit Courses and Related Issues.

The Chancellor shall report to the Board of Governors by May 31, 2009, on appropriate limitations on state apportionment for repetition of noncredit courses including multiple enrollments in the same course during the same term. The Chancellor's recommendations shall be developed in consultation with the Academic Senate for California Community Colleges, the Chief Instructional Officers and other appropriate groups and shall be based on research concerning the educational efficacy and public benefit of repetition of each of the categories of noncredit courses. The Chancellor shall also consider recommendations related to ensuring appropriate academic standards for noncredit courses and determining when it is in the public interest to provide continued instruction through noncredit courses. It is the intent of the Board of Governors to consider the recommendations of the Chancellor and adopt appropriate limitations on multiple enrollments and repetition of noncredit courses by January 31, 2010.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58162. Intercollegiate Athletics.

(a) State apportionment may be claimed for the attendance of students enrolled in approved courses of intercollegiate athletics otherwise eligible for state assistance.

(b) State apportionment for students in courses of intercollegiate athletics shall not be claimed for more than 175 hours of attendance for each enrolled student in each fiscal year for each sport in which the student participates.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58164. Open Entry/Open Exit Courses.

(a) The term "open entry/open exit courses" refers to courses in which students enroll at various times, and complete at various times or at varying paces. Open entry/open exit courses may be conducted as either credit or noncredit courses and may be offered with or without regularly scheduled hours.

(b) For open entry/open exit courses for which credit apportionment is claimed, one unit of credit shall be awarded for approximately 48 hours of recitation, study, or laboratory work. Increments of less than one unit of credit shall be awarded in the same proportion.

(c) Where an open entry/open exit course provides supplemental learning assistance pursuant to section 58172, which supports another course or courses, the course outline of record for the open entry/open exit course must identify the other course or courses that it supports and the specific learning objectives to be addressed and the educational competencies students are to achieve.

(d) Full-time equivalent student computations for enrollment in open entry/open exit courses shall be made pursuant to the provisions of subsection (e) of section 58003.1.

(e) The maximum number of hours a student may be enrolled in an open entry/open exit course shall be determined by the curriculum committee established pursuant to section 55002 based on the maximum time reasonably needed to achieve the educational objectives of the course.

(f) State apportionment shall not be claimed under this section for:

(1) optional attendance at artistic or cultural presentations or events (such as, but not limited to, films, concerts, plays, or art exhibitions).

(2) activities which are primarily student use of district facilities, equipment, or resources without provision of instruction involving spe-

cifically defined learning objectives and educational competencies set forth in the course outline of record.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of subsection (b) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of subsection (b) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment filed 12–30–2005; operative 1–29–2006. Submitted to OAL for printing only (Register 2006, No. 1).

§ 58166. Field Trips.

(a) State apportionment may be claimed for the attendance of students in courses which include a field trip or excursion pursuant to section 55220.

(b) State apportionment for the attendance of students in courses which include a field trip or excursion shall not be claimed for more than forty–eight hours per unit of credit earned. No more attendance may be claimed for a field trip or excursion than if the class were held on campus.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment of subsection (a) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of subsection (a) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58168. Tutoring.

Tutoring, when provided by the college, shall be considered a method of instruction that involves a student tutor who has been successful in a particular subject or discipline, or who has demonstrated a particular skill, and who has received specific training in tutoring methods and who assists one or more students in need of special supplemental instruction in the subject or skill. Student attendance in tutoring is eligible for apportionment only in a noncredit course offered under the provisions of Education Code section 84757(a)(2).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 12–17–84; effective thirtieth day thereafter (Register 84, No. 51).
2. Amendment of section and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Amendment filed 12–30–2005; operative 1–29–2006. Submitted to OAL for printing only (Register 2006, No. 1).

§ 58170. Apportionment for Tutoring.

Apportionment may be claimed for individual student tutoring only if all the following conditions are met:

(a) The individual student tutoring is conducted through a designated learning center.

(b) The designated learning center is supervised by a person who meets the minimum qualifications prescribed by section 53415.

(c) All tutors successfully complete instruction in tutoring methods and the use of appropriate written and mediated instructional materials, including supervised practice tutoring. This requirement may be waived by the chief instructional or student services officer on the basis of advanced degrees or equivalent training. Academic credit and apportionment for coursework in tutoring methods for purposes of this section shall be limited to two semester or three quarter units of credit, or 96 noncredit hours. All tutors shall be approved by a faculty member from the discipline or disciplines in which the student will tutor.

(d) All students receiving individual tutoring have enrolled in a noncredit course carrying Taxonomy of Programs number 4930.09, which is entitled "Supervised Tutoring."

(e) Students enroll in the Supervised Tutoring course, through registration procedures established pursuant to section 58108, after referral by a counselor or an instructor on the basis of an identified learning need.

(f) An attendance accounting method is established which accurately and rigorously monitors positive attendance.

(g) Student tutors may be remunerated but may not be granted academic credit for tutoring beyond that stipulated in (c) above.

(h) The district shall not claim state apportionment for tutoring services for which it is being paid from state categorical funds.

NOTE: Authority cited: Sections 70901 and 84500, Education Code. Reference: Sections 70901, 84500 and 87356, Education Code.

HISTORY

1. New section filed 12–17–84; effective thirtieth day thereafter (Register 84, No. 51).
2. Amendment filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).
3. Amendment of subsections (b), (e) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Amendment of subsections (b), (c), (e) and NOTE filed 10–5–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
5. Amendment of subsections (a)–(e) filed 12–30–2005; operative 1–29–2006. Submitted to OAL for printing only (Register 2006, No. 1).

§ 58172. Learning Assistance.

Attendance for supplemental learning assistance when offered as part of a course may only be reported for state apportionment when either:

(a) the learning assistance is a required component of another course, for all students in that course; or

(b) the learning assistance is optional and is provided through an open entry/open exit course conducted pursuant to subdivision (c) of section 58164, which is intended to strengthen student skills and reinforce student mastery of concepts taught in another course or courses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 12–17–84 effective thirtieth day thereafter (Register 84, No. 51).
2. Amendment of NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Amendment filed 12–30–2005; operative 1–29–2006. Submitted to OAL for printing only (Register 2006, No. 1).

§ 58180. Offering Classes Under Flexible Calendar; Approval; Accountability of Employees Under Contract for 175 Days; Activities.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State: operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer of section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58182. Scheduling Configurations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer of section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58184. Review of District Plans; Approval.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Repealer of section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58186. Distribution of Appropriations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial corrections to first paragraph and subsection (a) (Register 91, No. 43).
3. Repealer of section filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58188. Average Daily Attendance Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 7).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58190. Requirement to Prepare and File Annual Statement.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58191. Proposed Budget; Hearing; Notice; Publication.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Amendment of first, third, and fourth paragraphs filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
4. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
5. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58192. "Budget".

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of section heading and HISTORY 1 (Register 95, No. 23).

§ 58194. Contents of Budget Report.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
4. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
5. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58195. Form of Budget Report.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58196. Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of subsection (a), repealer of subsections (b)–(e), and adoption of subsections (b)–(d) filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58198. Effect of Neglect or Refusal to Make a Budget.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58199. District Budget Limitation on Expenditure.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58199.5. Appropriations of Excess Funds and Limitations Thereon.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
4. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
5. Editorial correction of HISTORY 1 (Register 95, No. 23).

Subchapter 3. Interstate Attendance

§ 58200. Program Designation and Participation.

This program shall be designated as the Interstate Attendance Agreement. Participation shall be limited to institutions within states signatory to the Western Interstate Commission for Higher Education.

NOTE: Authority cited: Section 66804, Education Code. Reference: Chapter 11, (commencing with Section 66800) Part 40, Division 5, Education Code.

§ 58202. One–for–One Exchange Basis.

One–for–one exchange basis means the sum total of all California resident full–time equivalent students from all of California Community Colleges who are attending out–of–state public agencies within the WICHE compact and shall be equal to the sum total of all full–time equivalent students from the same states attending California Community Colleges.

NOTE: Authority cited: Section 66804, Education Code. Reference: Section 66801, Education Code.

§ 58204. College Participation.

In order to participate in the program, each college must adopt and direct to the Chancellor a resolution to that effect. The resolution will designate:

(a) Type of program in which the college wishes to participate.

(b) Name of class or program.

(c) Number of student stations available for such participation in each.

(d) Any limitation to participation consistent with terms of the agreement.

(e) Tuition to be charged out–of–state students.

NOTE: Authority cited: Section 66804, Education Code. Reference: Section 66802, Education Code.

§ 58206. Required Certification.

In addition, the resolution will certify that:

(a) All district and state resident students have been provided adequately for in the programs.

(b) Out–of–state students will be subject to the same controls, rules and regulations governing the institution in respect to enrollment, admission, attendance and performances as are resident students.

(c) In the event a curriculum is removed from a list of "specified curricula," students already enrolled in that curriculum shall be allowed to complete their studies under the terms and conditions prevailing at the time of original registration, providing enrollment is continuous.

(d) No additional state funds will be required to carry out the provisions of the agreement.

NOTE: Authority cited: Section 66804, Education Code. Reference: Sections 66801, 66802 and 66803, Education Code.

§ 58210. Reports.

Annual reports will be made to the Chancellor by districts describing and evaluating the operation of their agreements.

NOTE: Authority cited: Section 66804, Education Code. Reference: Sections 66801 and 66804, Education Code.

Subchapter 4. Budgets and Reports

§ 58300. Requirements to Prepare and File Annual Statement.

On or before the 15th day of September of each year the governing board of each community college district shall prepare and keep on file for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of the estimated total expenses for the district for the current fiscal year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New subchapter 4 (sections 58300–58307) filed 5–15–93; operative 6–4–93 (Register 93, No. 25). For prior history, see Register 92, No. 9.

§ 58301. Proposed Budget; Hearing; Notice; Publication.

The governing board of each district shall hold a public hearing on the proposed budget for the ensuing fiscal year in a district facility, or some other place conveniently accessible to the residents of the district, on or before the 15th day of September but at least three days following availability of the proposed budget for public inspection, at which any resident in the district may appear and object to the proposed budget or any item in the budget.

The hearing may be concluded on the proposed budget when there are no requests for further hearing on file. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held.

The proposed budget, containing such fiscal information as may be required by the Chancellor, shall be made available by the district for public inspection in a facility of the district or in some other place conveniently accessible to residents of the district, during or before the first week in September.

Notification of dates and location(s) at which the proposed budget may be inspected by the public and date, time, and location of the public hearing on the proposed budget shall be published by the district in a newspaper of general circulation in the district, at least three days prior to the availability of the proposed budget for public inspection. The cost of the publication shall be a legal proper charge against the district for which the publication is made.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of section and NOTE filed 11–6–97; operative 12–6–97. Submitted to OAL for printing only (Register 97, No. 46).

§ 58302. Budget.

As used in this article, "budget" includes the preliminary budget and the adopted budget of a community college district.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58303. Contents of Budget Report.

The adopted annual financial and budget report of a district shall show, as specified by the Office of the Chancellor, a statement of the proposed expenditures and of the estimated revenues for the ensuing fiscal year, together with a comparison of each item of revenue and expenditure, with the actual revenues and expenditures of the fiscal year just completed. The tentative as well as the published annual financial and budget reports may show estimates where actual figures cannot be determined at the time. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Division 9 (commencing with Section 7900) of Title I of the Government Code.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58304. Form of Budget Report.

Each annual financial and budget report shall be made in the form prescribed by the Office of the Chancellor. Standard forms shall be prepared to show the budgeting items and comparisons required by this article.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58305. Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget.

(a) On or before the first day of July in each year, each district shall adopt a tentative budget and forward an information copy to the appropriate county officer. To the extent that the budget is based on information provided by the county, the budget data should be validated by the appropriate county officer.

(1) The budget shall indicate the date, time, and location at which the governing board of the district will hold the public hearing required pursuant to Section 58301.

(2) If the governing board of the district does not want all or a portion of the property tax requirement levied for the purpose of making payments for the interest and principal on outstanding general obligation

bonds or other indebtedness approved by the voters prior to July 1, 1978, the budget shall include a statement of the amount or portion for which a levy shall not be made.

(b) Each district shall provide all data needed by the county to compute the actual amounts to be levied on the property tax rolls of the district for purposes which exceed apportionments to the district pursuant to Sections 95 to100, inclusive, of the Revenue and Taxation Code.

(c) On or before the 15th day of September, the governing board of each district shall adopt a final budget.

(d) On or before the 30th day of September, each district shall complete the preparation of its adopted annual financial and budget report. Once completed, this report and its supporting documentation is considered a public record pursuant to Section 6250 et seq. of the Government Code. On or before the 10th day of October, each district shall submit a copy of its adopted annual financial and budget report to the Chancellor. The district shall also file copies of the report with the appropriate county officers for information and review.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Amendment of subsection (a) and NOTE filed 11–6–97; operative 12–6–97. Submitted to OAL for printing only (Register 97, No. 46).
3. Amendment of subsection (d) filed 8–22–2001; operative 9–21–2001. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2001, No. 40).

§ 58306. Effect of Neglect or Refusal to Make a Budget.

(a) Except as otherwise provided in subdivision (b), if the governing board of any district neglects or refuses to make a district budget as prescribed by the Office of the Chancellor, or fails to develop a budget by the deadline dates as specified in section 58305, the Chancellor may withhold any apportionment of state or local money to the particular district for the current fiscal year until the district makes a proper budget.

(b) No penalty shall be imposed upon a district pursuant to subdivision (a) if the Chancellor determines that unique circumstances make it impossible for the district to comply with its duties to adopt a budget, or if there are delays in the adoption of the annual Budget Act.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58307. District Budget Limitation on Expenditure.

The total amount budgeted as the proposed expenditure of the district for each major classification of district expenditures listed in the district budget forms prescribed by the board shall be the maximum amount which may be expended for that classification of expenditures for the school year. Transfers may be made from the reserve for contingencies to any expenditure classification or between expenditure classifications at any time by written resolution of the board of trustees of a district. A resolution providing for the transfer from the reserve for contingencies to any expenditure classification must be approved by a two–thirds vote of the members of the governing board; a resolution providing for the transfer between expenditure classifications must be approved by a majority of the members of the governing board.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58308. Appropriation of Excess Funds and Limitations.

All income accruing to the district in excess of the amounts required to finance the total proposed expenditures, including transfers to other community college districts and funds, as shown in the budget of the district shall be added to the general reserve of the district, and shall not be available for appropriation by the district for the current fiscal year except by the following procedure. The governing board of the district shall, by formal action of the board, pass a resolution setting forth the need according to major classification of district expenditures to be met from any portion of the general reserve derived from assured income in excess of the total amount anticipated in the budget.

On the first day of July of each year, the general reserve together with unexpected balances of appropriations and income in excess of anticipated income for the preceding fiscal year shall be placed to the credit of the district, and the district shall include all money so credited in the balance as shown in the budget for the ensuing fiscal year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 58310. Report on District's Financial Condition.

The chief executive officer or other designee of the governing board of each district shall regularly report in detail to the governing board of the district the district's financial condition and shall submit reports showing the financial and budgetary conditions of the district, including outstanding obligations, to the governing board at least once every three months. The chief executive officer or other designee shall also prepare a quarterly report on forms provided by the Chancellor. The district shall submit a copy of the certified report to the appropriate county offices and the Chancellor no later than forty–five days following the completion of each quarter. The certified report shall be reviewed by the district governing board at a regularly scheduled meeting and entered into the minutes of the meeting.

Upon review and analysis of the report, the Chancellor or his/her designee shall determine if follow–up or intervention is needed. Intervention may be necessary if a district's financial data indicate a high probability that, if trends continue unabated, the district will need an emergency apportionment within three years or that the district is not in compliance with the principles of sound fiscal management specified in section 58311. Such follow–up or intervention may include, but shall not be limited to, requiring the submission of additional or more frequent reports, requiring the district to respond to specific concerns, and directing the district to prepare and adopt a detailed plan for achieving fiscal stability and an educational plan demonstrating the impact of the fiscal plan on the district's educational program.

Intervention may also include the assignment of a special trustee having the authority described in section 58312 to any district that requires intervention within the five fiscal years immediately following the ending date of the services of a previously assigned special trustee. The renewed assignment of a special trustee under this paragraph may be made upon a finding by the Chancellor or his/her designee that if trends continue unabated, the district will need an emergency apportionment within three years or that the district is noncompliant with the principles of sound fiscal management specified in section 58311, except that the special trustee may only assume management and control of the district if authorized to do so by the Board of Governors. The costs incurred by the performance of the special trustee shall be paid in the manner described in subdivision (f) of section 58312 from funds which would have otherwise been apportioned to the district.

The Chancellor shall develop and maintain procedures for the administration of the fiscal monitoring program specified in Education Code section 84040 and this section.

NOTE: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Amendment filed 10–15–93; operative 11–4–93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Amendment of section and NOTE filed 9–14–2004; operative 10–14–2004. Submitted to OAL for printing only (Register 2004, No. 39).

§ 58311. Principles for Sound Fiscal Management.

In any organization certain principles, when present and followed, promote an environment for growth, productivity, self-actualization, and progress. The following principles shall serve as the foundation for sound fiscal management in community college districts:

1. Each district shall be responsible for the ongoing fiscal stability of the district through the responsible stewardship of available resources.

2. Each district will adequately safeguard and manage district assets to ensure the ongoing effective operations of the district. Management will maintain adequate cash reserves, implement and maintain effective internal controls, determine sources of revenues prior to making short-term and long-term commitments, and establish a plan for the repair and replacement of equipment and facilities.

3. District personnel practices will be consistent with legal requirements, make the most effective use of available human resources, and ensure that staffing costs do not exceed estimates of available financial resources.

4. Each district will adopt policies to ensure that all auxiliary activities that have a fiscal impact on the district comport with the educational objectives of the institution and comply with sound accounting and budgeting principles, public disclosures, and annual independent audit requirements.

5. Each district's organizational structure will incorporate a clear delineation of fiscal responsibilities and establish staff accountability.

6. Appropriate district administrators will keep the governing board current on the fiscal condition of the district as an integral part of the policy- and decision-making processes.

7. Each district will effectively develop and communicate fiscal policies, objectives, procedures, and constraints to the governing board, staff, and students.

8. Each district will have an adequate management information system that provides timely, accurate, and reliable fiscal information to appropriate staff for planning, decisionmaking, and budgetary control.

9. Each district will adhere to appropriate fiscal policies and procedures and have adequate controls to ensure that established fiscal objectives are met.

10. District management will have a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial and educational adjustments.

11. District financial planning will include both short-term and long-term goals and objectives, and broad-based input, and will be coordinated with district educational planning.

12. Each district's capital outlay budget will be consistent with its five-year plan and reflect regional planning and needs assessments.

To the extent that the foregoing principles repeat or paraphrase mandates already in existence, these underlying mandates shall continue to be legally binding. Otherwise, these principles, by themselves, shall be applied to the extent that existing state and district funding is available.

NOTE: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 93, No. 42).
2. Change without regulatory effect amending NOTE filed 9-14-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 39).

§ 58312. Inadequate Plans by District or Failure to Implement Plans; Authorized Actions by the Chancellor.

If the Chancellor determines that the district's plans prepared and adopted pursuant to section 58310 are inadequate to solve the financial problems or to implement the principles of sound fiscal management, or if the district substantially fails to implement the plans, the Chancellor shall have the authority to take any of the following actions. The Chancellor should first utilize measures which minimize interference with normal district operation, unless he or she determines that acting otherwise is necessary to prevent the worsening of fiscal conditions at the district.

(a) Conduct a comprehensive management review of the district and its educational programs and an audit of the financial condition of the district. The Chancellor may also contract for, or request another appropriate agency to conduct, the reviews and audit or require the district, at the expense of the district, to contract for the reviews and audit. The terms and conditions of the contract and the final selection of a contractor shall be subject to the written approval of the Chancellor.

(b) Direct the district to amend and readopt the fiscal and educational plans prepared pursuant to section 58310 based on the findings of the comprehensive audits.

(c) Review and monitor the implementation of the plans and direct the district to make any further modifications to the fiscal and educational plans he or she deems necessary for the district's achievement of fiscal stability.

(d) Appoint or assign a special trustee at district expense for the period of time necessary for the district to achieve fiscal stability or solvency or to implement the principles of sound fiscal management. The Chancellor shall establish benchmarks that indicate the presence of local capacity to manage fiscal duties. The special trustee shall have recognized expertise in finance, and may, with the approval of the Chancellor, employ on a short-term basis any staff necessary to assist the special trustee. The Chancellor shall determine and specify in writing the duties of the special trustee, which may include, but are not limited to, any or all of the following:

(1) Reviewing and monitoring the plans, reports, and other financial material required under section 58310 and this section.

(2) Requiring any further modifications to the fiscal and educational plans which he or she deems necessary.

(3) Determining district spending levels and priorities to further the district's achievement of fiscal stability.

(4) Approving or disapproving actions of the district which affect or relate to the implementation of the fiscal and educational plans.

(e) If the Chancellor determines that further efforts to have the district modify or implement the plans would be futile, the Chancellor may, with the approval of the Board of Governors, also authorize a special trustee appointed pursuant to subdivision (d) to assume management and control of the district, including assumption of the legal rights, powers and duties of the governing board of the district to the full extent deemed necessary by the Board of Governors in order to achieve fiscal stability or solvency or to implement the principles of sound fiscal management set forth in section 58311. The Chancellor may authorize the special trustee to exercise such powers as are approved by the Board of Governors for a period of no more than one year, unless the Board of Governors approves one or more one-year extensions. The exercise by the special trustee of such powers shall be subject to all legal requirements applicable to the district. The governing board of the district may not exercise any authority so assumed.

(f) The Chancellor may require the district, at district expense, to pay all costs incurred in performing any of the services described in this section. This may include requiring the district to employ staff or contract for services necessary to assist the special trustee, to compensate the special trustee for his or her services and for any expenses or liabilities that he or she may incur, to insure the special trustee, and to defend, indemnify and hold harmless the special trustee, the Office of the Chancellor or its employees and the state for any liability arising out of or in connection with the conduct of the district or its governing board prior to the appointment of the special trustee. Alternatively, or to the additional extent necessary, the Chancellor may withhold funds necessary to pay for any or all such costs incurred in performing the services described herein from funding that would otherwise have been apportioned to the district under Section B of the State School Fund.

NOTE: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of printing errors in subsection (g) (Register 91, No. 43).
3. Amendment of subsections (d), (g), and (h) filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Amendment of section and NOTE filed 9–14–2004; operative 10–14–2004. Submitted to OAL for printing only (Register 2004, No. 39).

§ 58314. Failure of Procedures to Achieve District Financial Stability; Authorized Actions of Chancellor.

If the procedures pursuant to sections 58310 and 58312 fail to achieve district financial stability, as determined by the Chancellor, the Chancellor shall do any or all of the following:

(a) Reduce or withhold any apportionment to the district in any amount he or she deems appropriate.

(b) Report to the Board of Governors and the chairs of the educational policy and fiscal committees of both houses of the Legislature, the Director of Finance, and the Governor regarding the reasons for the continuing lack of fiscal stability at the district, any actions taken against the district, and the Chancellor's recommendations regarding further steps necessary to restore the district to fiscal stability or solvency or to bring it into compliance with the principles of sound fiscal management.

(c) Seek an emergency apportionment pursuant to section 58316.

NOTE: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Amendment of section heading, section and NOTE filed 9–14–2004; operative 10–14–2004. Submitted to OAL for printing only (Register 2004, No. 39).

§ 58316. Appropriation for Emergency Apportionment; Repayment Schedule.

(a) If the procedures pursuant to Sections 58310, 58312 and 58314 fail to stabilize the financial condition of the district before an emergency apportionment is necessary, the Chancellor may seek an appropriation for an emergency apportionment in an amount necessary to maintain the educational programs of the district as specified in the educational plan pursuant to Sections 58310 and 58312 and to preclude a negative ending balance.

(b) For each of three fiscal years, the Controller shall deduct from apportionments paid to a district pursuant to law, an amount not less than one–third of the amount actually allocated to the district pursuant to this section, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of the disbursement of funds to the district.

For each of three fiscal years, the amount deducted by the Controller pursuant to this subdivision shall be reapportioned to the source of the funds allocated to the district pursuant to this section. Amounts so reapportioned to Section B of the State School Fund shall be apportioned by the Chancellor to districts to alleviate any deficits in state funding in the year in which the loan is made or during the period of repayment. Unless otherwise determined pursuant to subdivision (c), the three–year repayment period shall consist of three consecutive fiscal years commencing with the fiscal year following the year in which the emergency apportionment is made.

(c) Any district which has received an emergency apportionment pursuant to this section may request a revision of the repayment schedule. The request shall be submitted to the Chancellor, the Joint Legislative Audit Committee, the Joint Legislative Budget Committee, and the Director of Finance. The request shall be accompanied by appropriate justification for any deferral of repayment, including a revision to the plans adopted by the district's governing board as specified in this section, together with specified identification of the reasons that the actions were taken by the district to correct the financial problems.

The Chancellor shall consult with representatives of the Joint Legislative Audit Committee, the Joint Legislative Budget Committee, the Director of Finance, and representatives which the Chancellor may select from the chief executive officers and presidents of the other community colleges and districts throughout the state. After consulting with these representatives, the Chancellor may revise the repayment schedule, may forgive the interest payments otherwise compounded as a result of any deferral of payment, and may specify any conditions that he or she determines are necessary to assure the repayment of the emergency apportionment. The Chancellor shall report his or her actions to the Board of Governors, the Director of Finance, the Controller, and Joint Legislative Budget Committee. The Controller shall deduct amounts from the apportionment schedule in accordance with the revised repayment plan.

NOTE: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of subsections (b) and (c) and repealer of subsection (d) filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).
4. Change without regulatory effect amending NOTE filed 9–14–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 39).

§ 58317. Special Trustee Following Notice of Inadequate Plan.

NOTE: Authority cited: Sections 66700, 70901 and 84040, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 6–15–2004; operative 6–15–2004. Submitted to OAL for printing only (Register 2004, No. 31).
2. Repealer filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58318. Requirement for Employee Indemnity Bond.

The governing board of every community college district shall require each employee of the district, whose duty it is to handle funds of the district, and may, in its discretion, require employees of the district, whose duty it is to handle property of the district, to be bonded under a suitable bond indemnifying the district against loss.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

Subchapter 6. Student Fees

Article 1. Enrollment Fee and Differential Enrollment Fee

§ 58500. Definition.

Each district governing board shall charge each student a fee for enrolling in credit courses pursuant to the requirements of Education Code section 76300 and the requirements of this article. The fee prescribed by section 76300 shall be known as the enrollment fee.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. New chapter 6 (article 1, sections 58500–58507, not consecutive) filed 8–13–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 33).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of article heading, subsection (a), and NOTE, and repealer of subsection (b) filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
4. Amendment deleting subsection designation filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

5. Amendment of section and NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
6. Editorial correction of HISTORY 2 (Register 95, No. 23).
7. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58501. Enrollment Fee.

(a) Semester: The enrollment fee charged of students enrolled in a regular semester shall be a per credit unit rate prescribed by the Legislature.

(b) Quarter: The enrollment fee charged of students enrolled in a regular quarter session shall be two–thirds of the per credit unit rate for a regular semester.

(c) Fractional Units: The enrollment fee charged for courses with fractional unit value shall be computed by multiplying the fraction times the applicable semester or quarter unit rate and rounding off to the nearest dollar.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section heading, subsection (a)–(c), and NOTE, and repealer of subsection (d) filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
3. Amendment of section and NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58501.1. Differential Enrollment Fee.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Sections 32320, 76300, 76330 and 76330.1, Education Code.

HISTORY

1. New section filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
2. Amendment of section and NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
3. Editorial correction of subsection (a) (Register 94, No. 38).
4. Change without regulatory effect repealing section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58502. Fee Charged at Enrollment.

The enrollment fee shall be charged of a student at the time the student is enrolled in a class. The district governing board may establish a policy authorizing the collection of the fee to be deferred under conditions determined by the governing board.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of NOTE filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
3. Amendment of NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58503. Variable Unit Classes.

A student shall be charged for a variable unit class at the time the student enrolls in the class. The enrollment fee shall be based on the number of units in which the college enrolls the student. If the student later earns additional units, the student may add those units pursuant to the district's policy for adding classes. Any additional enrollment fee shall then be charged of the student. No refund shall be made for units not earned by the student, except as provided in section 58508.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and NOTE filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
3. Amendment of NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58504. Short–Term Classes.

NOTE: Authority cited: Sections 66700, 70901 and 72252, Education Code. Reference: Section 72252, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58505. Courses Extending Beyond One Term.

NOTE: Authority cited: Sections 66700, 70901 and 72252, Education Code. Reference: Section 72252, Education Code.

HISTORY

1. Amendment filed 3–3–86; effective thirtieth day thereafter (Register 86, No. 10).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Repealer filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
4. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 58506. Summer Session or Intersession.

NOTE: Authority cited: Sections 66700, 70901 and 72252, Education Code. Reference: Section 72252, Education Code.

HISTORY

1. New section filed 6–12–85; effective thirtieth day thereafter (Register 85, No. 24).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Repealer filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
4. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 58507. Program Changes.

A community college district may allow a student to add or drop classes during the term pursuant to district policy. The enrollment fee shall be adjusted to reflect added or dropped courses as allowed by district policy.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and NOTE filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
3. Amendment of NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
4. Editorial correction of HISTORY 1 (Register 95, No. 23).
5. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58508. Refunds.

(a) A community college district governing board shall refund upon request any enrollment fee paid by a student pursuant to section 58501

for program changes made during the first two weeks of instruction for a primary term–length course, or by the 10 percent point of the length of the course for a short–term course.

(b) A student shall be allowed at least two weeks from the final qualifying date of the program change specified in subdivision (a) to request an enrollment fee refund.

(c) A community college district shall not refund any enrollment fee paid by a student for program changes made after the first two weeks of instruction for a primary term–length course, or after the 10 percent point of the length of the course for a short–term course, unless the program change is a result of action by the district to cancel or reschedule a class or to drop a student pursuant to subdivision (*l*) of section 55003 where the student fails to meet a prerequisite.

(d) When refunding an enrollment fee pursuant to subdivision (a), a community college district may retain once each semester or quarter an amount not to exceed $10.00.

(e) If the district has adopted a withdrawal policy pursuant to section 55024, any student who is a member of an active or reserve United States military service, and who has withdrawn from courses due to military orders, may file a petition with the district requesting refund of the enrollment fee. The district shall refund the entire fee unless academic credit has been awarded.

(f) Prior to refunding any enrollment fee or tuition, the district may determine if the student received federal Title IV funds during the term of enrollment. If funds were received, the refund may be held for up to 30 days while the district determines if any institutional or student return to the federal Title IV programs is due under Section 485 of the Higher Education Amendments of 1998, P.L. 105–244. If a return is deemed to be required, the amount of enrollment fee refund may first be used to meet any return obligation of the district and, if an amount of enrollment fee refund remains after the district obligation has been met, that amount may be used to meet any return obligation of the student. If an enrollment fee refund amount remains after all return obligations have been met, the student shall receive the remainder.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. New section filed 9–5–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 36).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. New subsection (d) filed 5–20–91 and submitted to OAL on 5–24–91 for printing only pursuant to Education Code section 70901.5; operative 6–19–91 (Register 91, No. 31).
4. Amendment of subsection (b) filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
5. Amendment of section and NOTE filed 2–24–93; operative 3–26–93 (Register 93, No. 9).
6. New subsection (b), subsection redesignation, and amendment of subsection (c) and NOTE filed 5–25–94; operative 6–24–94. Submitted to OAL for printing only (Register 94, No. 22).
7. Amendment of subsections (b), (d) and (e) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
8. Editorial correction of HISTORY 2 (Register 95, No. 23).
9. Amendment of section and NOTE filed 8–30–2000; operative 9–29–2000. Submitted to OAL for printing only (Register 2000, No. 35).
10. Change without regulatory effect amending subsections (a)–(e) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
11. Amendment of subsections (c) and (e) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58509. Authority of Chancellor to Waive Provisions to Accommodate Students Impacted by *Extraordinary* Conditions.

(a) Notwithstanding section 58508, a community college district may provide a full refund of enrollment fees to any student who withdrew from one or more classes, where the district finds that such withdrawal was necessary for one of the following reasons:

(1) the college attended by the student was closed or the college was unable to provide all or substantially all of the instruction in the course or courses in which the student was enrolled due to fire, flood or other conditions qualifying for adjustment of apportionment pursuant to section 58146; or

(2) although the district does not qualify for an apportionment adjustment pursuant to section 58146, one of the conditions enumerated in that section made it difficult or impossible for the student to attend one or more courses because the student was actively engaged in responding to the fire, flood or other condition or because such condition required the student to evacuate his or her home.

(b) Consistent with section 55024, a community college district need not record a "W" on the academic records of a student who withdraws from one or more classes due to any of the circumstances described in subdivision (a).

(c) The Chancellor is authorized, upon receipt of a written request from a community college district, to waive any provision of this title in order to accommodate students affected by any of the circumstances described in subdivision (a).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 9–21–2000 as an emergency; operative 9–21–2000. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 2000, No. 40).
2. Repealer and new section filed 1–16–2004; operative 1–12–2004. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2004, No. 11).
3. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Amendment of section heading and subsection (a), new subsections (a)(1)–(a)(2) and amendment of subsection (b) filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Article 2. Student Center Fee

§ 58510. Student Center Fee Election.

If it desires to exercise the authority given by section 76375 of the Education Code, the governing board of a community college district shall establish procedures for an election conducted for the purpose of collecting a student body center building and operating fee, and call an election for such purpose. The procedures shall be developed in consultation with the student government body of the college(s) at which the fee would be assessed. The election shall, at minimum, meet the following criteria:

(a) The governing board shall make available in its district office and the student government office written information regarding the election procedures. Such information shall be made available to the public upon request.

(b) Adequate notice of the election shall be given. Adequate notice is deemed to be at least ten school days prior to the election date.

(c) The election shall be held on a day which counts toward the 175 day requirement set forth in section 58142. In instances where the election is conducted for more than one day, those days shall be consecutive and shall be limited to a maximum of five days.

(d) The ballot proposal seeking authorization of the fee shall specify the intended duration of the fee and the intended use of the fee revenue.

(e) The election shall be conducted in a manner that would allow equal opportunity for day and evening students to participate.

NOTE: Authority cited: Sections 66700, 70901 and 76375, Education Code. Reference: Section 76375, Education Code.

HISTORY

1. New section filed 5–12–88; operative 5–12–88 (Register 88, No. 20).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

3. Editorial correction of HISTORY 2 (Register 95, No. 23).

4. Change without regulatory effect amending first paragraph, subsection (c) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 3. Transportation Services Fees

§ 58520. Transportation Services Fee Election.

If the governing board of the Los Rios Community College District or the governing board of the Rio Hondo Community College District seeks to establish a mandatory transportation services fee pursuant to subdivisions (b)(1) or (b)(2) of Education Code section 76361.1, that governing board shall adopt and publish procedures for elections conducted for the purpose of collecting a transportation services fee and shall call an election for such purpose. The election shall, at a minimum, meet the following criteria:

(a) The governing board shall make available in its district office and the student government office of each affected college written information regarding election procedures. Such information shall be made available to the public upon request.

(b) Adequate notice of the election shall be given by the governing board. Adequate notice is deemed to be notice at least ten school days prior to the election.

(c) Each election shall be held on a day which counts toward the 175 day requirement as defined in section 58120. In instances where an election is conducted for more than one day, those days shall be consecutive and shall be limited to a maximum of five days.

(d) The election shall be conducted in a manner that would allow equal opportunity for day, evening, and weekend students to participate.

(e) Each election shall be held no more than 10 years prior to the date of the expiration of a contract proposed to be entered into for transportation services provided by a common carrier or a municipally owned transit system, or no more than 10 years prior to the date to which it is proposed that an existing contract be extended.

(f) If the proposed transportation services fee is to be required of all students, other than those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c) of section 76361.1, and of all employees of a campus of the Los Rios Community College District or a campus of the Rio Hondo Community College District, the fee may be imposed upon the favorable vote of the majority of the students and of a majority of the employees of that particular campus voting in an election on the question of whether or not the governing board should require all students and employees at that campus to pay a fee for transportation services for a period of time to be determined by the governing board of the district.

(g) If the proposed transportation services fee is to be required of all students, other than those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c) of section 76361.1, of a campus of the Los Rios Community College District or a campus of the Rio Hondo Community College District, the fee may be imposed upon the favorable vote of a majority of the students of that particular campus voting in an election on the question whether or not the governing board should require all students at that campus to pay a fee for transportation services for a period of time to be determined by the governing board of the district.

(h) Any transportation services fee election held by either the Los Rios Community College District or the Rio Hondo Community College District prior to the effective date of this section will be considered valid and binding if the election satisfies the requirements of this section.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76361 and 76361.1, Eduction Code.

HISTORY

1. New article 3 (section 58520) and section filed 7–20–2007; operative 8–19–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 7. Student Financial Aid

§ 58600. Scope.

This subchapter governs the administration of student financial aid allocated by the Board of Governors to community college districts.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. New chapter 7 (sections 58600–58630, not consecutive) filed 9–20–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 40).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58601. Definitions.

As used in this subchapter:

Board of Governors Grant. An instrument used by a community college district to process the financial assistance provided to a low–income student pursuant to the terms of this subchapter.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 11–15–85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58610. Allocations.

(a) The Chancellor shall estimate each community college district's need for Board of Governors Grants, and shall allocate funds to districts based on that anticipated need.

(b) In estimating each district's need for these financial assistance funds the Chancellor shall consider the following factors:

(1) The number of Pell Grant recipients in the district in the previous fiscal year;

(2) The estimated number of students in the district who are eligible pursuant to Education Code section 76300;

(3) The estimated number of low–income students in the district who are enrolled for fewer than six units.

(c) The Chancellor shall apportion the allocations in the advanced apportionment certified by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code; 20 U.S.C. Section 1070(a).

HISTORY

1. Amendment of subsections (a) and (b) filed 11–15–85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending subsection (b)(2) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58611. Adjustments.

Districts shall report the number of and amounts provided for Board of Governors Grants. The Chancellor shall then adjust the financial assis-

tance allocation in the first and second principal apportionments to reflect each district's actual expenditure of funds allocated pursuant to this subchapter. Any necessary additional adjustments shall be made in the applicable fiscal year recalculations.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58612. Financial Assistance Awards.

(a) A community college district shall provide Board of Governors Grants to all students who are eligible and who apply for this assistance.

(b) A student who is determined to be eligible for a Board of Governors Grant may be presumed to be eligible for that assistance for the remainder of the academic year and until the beginning of the following fall term.

(c) Nothing in this subchapter shall prohibit a community college district from establishing a date beyond which it will not accept applications for this financial assistance.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending subsection (c) and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58613. Award Amounts.

Board of Governors Grants shall be made in the amount of the enrollment fee calculated pursuant to section 58507.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58620. Student Eligibility: Board of Governors Grant.

To be eligible for a Board of Governors grant, a student must:

(a) Be a California resident; so long as a person qualifies for a military exception pursuant to Education Code section 68074 or section 68075, he or she shall be deemed a California resident for purposes of this section.

(b) Meet one of the following criteria:

(1) Income Standards.

(A) Be a single and independent student having no other dependents and whose total income in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of one; or be a married, independent student having no dependents other than a spouse, whose total income of both student and spouse in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of two.

(B) Be a student who is dependent in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size.

(C) Provide documentation of taxable or untaxed income.

(D) Be a student who is married or a single head of household in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size.

(E) Be an independent student whose Estimated Family Contribution as determined by federal methodology is equal to zero or a dependent student for whom the parent portion of the Estimated Family Contribution as determined by federal methodology is equal to or less than zero.

(F) For purposes of this subdivision, U.S. Department of Health and Human Services Poverty Guidelines used each year shall be the most recently published guidelines immediately preceding the academic year for which a fee waiver is requested.

(2) Current recipient of benefits described in Education Code section 76300(g).

(A) At the time of enrollment be a recipient of benefits under the Temporary Assistance for Needy Families (TANF) program. A dependent student whose parent(s) or guardian(s) are recipients of TANF shall be eligible if the TANF program grant includes a grant for the student or if the TANF grant is the sole source of income for the parent or guardian.

(B) At the time of enrollment be a recipient of benefits under the Supplemental Security Income (SSI) program. A dependent student whose parent(s) or guardian(s) are recipients of SSI shall be eligible if the SSI program grant is the sole source of income for the parent(s) or guardian(s).

(C) At the time of enrollment be a recipient of benefits under the General Assistance program.

(D) Provide documentation that the student if a recipient of benefits under one of the programs identified in Education Code section 76300(g) and (h) at the time of enrollment. Documentation sufficient to meet the requirements of this subdivision shall provide official evidence of these benefits.

(3) Need-Based Financial Aid Eligibility. Any student who has been determined financially eligible for federal and/or state needed-based financial aid.

NOTE: Authority cited: Sections 66700, 68044, 70901 and 76300, Education Code. Reference: Sections 68074, 68075 and 76300(g) and (h), Education Code; 20 USC Section 1070(a); and 34 CFR Section 674.12.

HISTORY

1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).
4. Amendment filed 5-8-2000; operative 6-7-2000. Submitted to OAL for printing only (Register 2000, No. 23).
5. Redesignation of second subsection (b)(1)(C) to subsection (b)(1)(D), subsection relettering, amendment of subsections (b)(2) and (b)(2)(D) and amendment of NOTE filed 7-18-2000; operative 8-17-2000. Submitted to OAL for printing only (Register 2000, No. 29).
6. Amendment of section and NOTE filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58621. Student Eligibility: Enrollment Fee Credit.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 72252, Education Code. Reference: Section 72252, Education Code; and Section 19, Chapter 1, Statutes of 1984.

HISTORY

1. Repealer filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).

§ 58622. Student Eligibility: Enrollment Fee Waiver.

NOTE: Authority cited: Sections 66700, 71020, 71062 and 72252, Education Code. Reference: Section 72252, Education Code; and Section 19, Chapter 1, Statutes of 1984.

HISTORY

1. Repealer filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).

§ 58630. District Reporting and Accountability.

(a) Dollars allocated for financial assistance pursuant to this subchapter shall be identified separately in district accounts.

(b) The governing board of each community college district shall adopt procedures that will document all financial assistance provided on behalf of students pursuant to this subchapter. Authorized procedures shall include rules for retention of support documentation which will enable an independent determination regarding accuracy of the district's certification of need for financial assistance.

NOTE: Authority cited: Sections 66700, 70901 and 76300, Education Code. Reference: Section 76300, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).
3. Change without regulatory effect amending subsections (a) and (b) and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 8. Community College General Apportionment Funding

Article 1. General Provisions

§ 58700. Introduction.

(a) The criteria and standards set forth in this Subchapter shall serve as the basis of making the Board of Governors annual budget request for the California Community Colleges to the Governor and the Legislature and as the basis for Board of Governors allocation of the state general apportionment revenues.

(b) The provisions of Chapter 5, Article 2.5 of Part 50 of the Education Code and the provisions of this Subchapter shall be the sole basis for budget requests and allocations of state general apportionment revenues.

(c) Notwithstanding the foregoing, adjustments for prior year apportionments shall be made using the funding mechanism applied for apportionment purposes in the year for which adjustments are made.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).
2. Amendment of subsections (a) and (b) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subchapter heading filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58702. Scope of Subchapter.

This subchapter applies to the allocation of general state apportionment.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).

§ 58702.5. Waiver.

The Chancellor is authorized to waive or adjust any provision of this Subchapter as necessary to ensure that districts not party to district reorganization authorized by Education Code Sections 74265 and 74265.5 will not be adversely affected during the fiscal year in which any such reorganization occurs.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Sections 74265, 74265.5 and 84750.

HISTORY

1. New section filed 11-12-99; operative 12-12-99. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 99, No. 47).

§ 58704. System Funding Principles.

(a) General funding for community college districts shall be prior year general apportionment revenue (state and local) adjusted for any amount attributed to a deficit mechanism, with revenue adjustments being made for inflation, increases or decreases in FTES (Full-Time Equivalent Student) and such other adjustments as are authorized by law.

(b) The funding mechanism for community college districts shall be based on the principles contained in Education Code sections 84750.5 and 84760.5, and such other categories of operation as may, from time to time, be determined by the Legislature.

(c) The funding mechanism for community college noncredit activities shall be as specified in section 84750.5(d)(2) of the Education Code.

(d) The following funding rates apply to the specified workload measures as follows:

(1) The marginal funding rate for credit revenue per FTES shall be not less than four thousand three hundred sixty-seven dollars ($4,367), to be revised per the recognized change in the cost-of-living specified in subsequent annual Budget Acts.

(2) The marginal funding rate for noncredit revenue per FTES shall be not less than two thousand six hundred twenty-six dollars ($2,626), to be revised per the recognized change in the cost-of-living specified in subsequent annual Budget Acts.

(3) The marginal funding rate for career development and college preparation FTES may be at a uniform rate of three thousand ninety two dollars ($3,092), to be revised per the recognized change in the cost-of-living specified in subsequent annual Budget Acts. This funding authorization is contingent on an adequate appropriation dedicated for this purpose in the annual budget.

(4) Changes in FTES shall result in adjustments to credit, noncredit, and career development and college preparation revenues based on the respective marginal funding rates for credit, noncredit, and career development and college preparation FTES.

(A) Increases in FTES shall result in an increase in its respective revenue in the year of the increase and at its associated marginal rate per FTES, including any cost-of-living adjustment authorized by statute or by the annual Budget Act.

(B) Decreases in FTES shall result in a revenue reduction for its respective workload in the year following the decrease and at its associated marginal rate per FTES.

(e) Nothing in these regulations for state apportionment allocation shall require district governing boards to expend allocated revenues in specified categories of operation or according to workload measures contained herein.

(f) The Chancellor may develop and provide for district use, any procedures, processes and formulas he or she deems necessary to the utilization of the criteria and standards specified herein.

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Sections 84750.5 and 84760.5, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).
2. Amendment of section heading, section and NOTE filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).

3. Repealer of subsection (e) and subsection relettering filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 58706. Definitions.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Amendment of subsections (a) and (f) filed 8–19–92; operative 9–18–92 (Register 92, No. 34).
3. Repealer filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).

§ 58707. Adjustments Under Former Funding System.

The following articles of this subchapter shall remain in effect only for purposes of program–based funding and for making adjustments for periods when funding was allocated under program–based funding. These articles do not apply in any way to the funding system described in section 58704 or the allocation process prescribed in Education Code section 84750.5:

Article 2. Credit Instruction
Article 3. Credit Instructional Services
Article 4. Credit Student Services
Article 5. Maintenance and Operations
Article 6. Institutional Support
Article 7. Noncredit Activities

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).

Article 2. Credit Instruction

§ 58710. Description of Credit Instruction Category.

The credit instruction category of operation includes credit instructional activities involving students, academic administration (administration immediately above instructors), and course and curriculum development. These activities correspond to the California Community College Budget and Accounting Manual Classification of Expenditures by Activity, activity codes 0100 through 6000.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

§ 58712. Credit Instruction Standards.

(a) The credit instruction standards per college shall be as follows:

(1) Teaching faculty ratio of 75% full–time and 25% hourly.

(2) The statewide average faculty salaries equal to those paid by the California State University.

(3) A student/faculty ratio of 25 to 1.

(4) An amount equivalent to 21% of instructor salaries for the cost of staff support and supplies.

(5) An amount equivalent to 12.5% of the above standards for academic administration.

(6) An amount equivalent to the average annual expenditure per student workload measure for credit instruction of the ten states with the highest annual expenditures per student workload for credit instruction.

(7) The standards derived in subparagraphs (1) through (6) above, shall be adjusted by the scale factor defined in section 58714.

(b) The standard rate derived from application of the above standards to be used in the 1991–92 allocation process, contained in article 8 of this subchapter, for the credit instruction category is $3,195.85, as adjusted by the scale factor pursuant to section 58714, increased by the inflation adjustment pursuant to subdivision (a) of section 58773. For 1992–93 and each year thereafter, the standard rate shall be the rate used for the prior fiscal year increased by the inflation adjustment pursuant to subdivision (a) of section 58773.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

§ 58714. Credit Instruction Scale Factors.

(a) For single college districts:

(1) If credit FTES is less than 2,875, the scale factor is:

$1.4647 - 1.52173913(FTES/10{,}000) + 0.151222(FTES/10{,}000)^2$

(2) If credit FTES is greater than or equal to 2,875 and less than or equal to 10,000, the scale factor is:

$1.055719298175 - 0.055719298(FTES/10{,}000)$

(3) If credit FTES is greater than 10,000, the scale factor is 1.0.

(b) For each college in a multi–college district:

(1) If credit FTES is less than 2,875, the scale factor is:

$1.4249995135523 - 1.480492605(FTES/10{,}000) + 0.14712(FTES/10{,}000)^2$.

(2) If credit FTES is greater than or equal to 2,875 and less than or equal to 5,000, the scale factor is:

$1.0271041758361 - 0.054209034(FTES/10{,}000)$.

(3) If credit FTES is greater than 5,000, the scale factor is 1.0.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Editorial correction of subsections (a)(2) and (b)(1) (Register 95, No. 23).

Article 3. Credit Instructional Services

§ 58720. Description of Credit Instructional Services Category.

The credit instructional services category of operation includes library, media, and learning center services that are supplemental to the instructional effort. These services correspond to the California Community Colleges Budget and Accounting Manual Classification of Expenditures by Activity, activity code 6100.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

§ 58722. Credit Instructional Services Standards.

(a) The credit instructional services standards per college in 1990–91 dollars shall be as follows:

(1) Library staffing and materials based on the following model:

(A) The number of faculty librarians identified in Table 1 of section 58724 times the salary;

(B) The number of support staff identified in Table 1 of section 58724 times the salary;

(C) The number of periodicals identified in Table 1 of section 58724 times $73.50;

(D) 3% of the number of volumes identified in Table 1 of section 58724 times $40.32;

(E) Administrative and fixed costs of $21,777;

(F) Per student allocation of $1.89 per FTES;

(G) Book binding equal to [(FTES x 0.008) + $2,252] x $19.80;

(H) Technical processing costs equal to [3% of the number of volumes identified in Table 1 of section 58724] x $5.34;

(I) Contractual services for on-line bibliographic utility, automated library systems, and on-line data bases/indexes equal to $71,198.

(2) Media center staffing and materials based on the following model:

(A) The number of media faculty identified in Table 2 of section 58724 times the salary;

(B) The number of support staff identified in Table 2 of section 58724 times the salary;

(C) Number of video/film identified in Table 2 of section 58724 times 3% times $104.66;

(D) Number of other materials identified in Table 2 of section 58724 times 3% times $232.38;

(E) Per student allocation of $1.78 per FTES;

(F) Technical processing costs equal to [3% of the total number of video/film and other materials identified in Table 2 of section 58724] x $4.98.

(3) Learning center allocations calculated at $56.58 x FTES.

(b) The standard rate derived from application of the above standards to be used in the 1991–92 allocation process, contained in article 8 of this subchapter, for the credit instructional services category shall be

(1) $511,474 per college plus $60.41 per credit FTES, both increased by the inflation adjustment pursuant to subdivision (a) of section 58773, for colleges with less than or equal to 1,002 credit FTES, or

(2) $396,935 per college plus $174.76 per credit FTES, both increased by the inflation adjustment pursuant to subdivision (a) of section 58773, for colleges with credit FTES greater than 1,002 and less than or equal to 3,303, or

(3) $308,331 per college plus $201.59 per credit FTES, both increased by the inflation adjustment pursuant to subdivision (a) of section 58773, for colleges with credit FTES greater than 3,303. For 1992–93 and each fiscal year thereafter, the standard rates shall be the rates used for the prior fiscal year increased by the inflation adjustment pursuant to subdivision (a) of section 58773.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Editorial correction of subsection (b)(2) (Register 95, No. 23).

§ 58724. Tables of Minimum Standards for Libraries and Media Centers.

(a) Table 1 consists of ALA/ACRL–AECT described minimum standards for libraries as follows:

TABLE 1
ALA/ACRL—AECT—Minimum Standards for Libraries (*Modified*)

College Size	Type of Staff		Materials	
FTES	Faculty Librarian	Support	Periodicals (*No. Subscriptions*)	Volumes (*No. on Shelf*)
< 1,000	2.0	3.0	230	30,000
1,001–3,000	3.0	4.5	300	40,000
3,001–5,000	4.0	6.5	500	60,000
5,001–7,000	5.0	9.0	700	80,000
Each Additional 1K	0.5	1.0	50	7,500

(b) Table 2 consists of ALA/ACRL–AECT described minimum standards for media centers as follows:

TABLE 2
ALA/ACRL—AECT—Minimum Standards for Media Centers (*Modified*)

College Size	Type of Staff		Materials	
FTES	Media Faculty	Support	Video/Film (*No. on Shelf*)	Other (*No. on Shelf*)
< 1,000	0.5	1.5	140	2,500
1,001–3,000	1.0	3.0	400	5,100
3,001–5,000	1.5	4.5	750	8,000
5,001–7,000	2.0	6.0	1,250	10,000
Each Additional 1K	0.25	1.0	200	1,000

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

Article 4. Credit Student Services

§ 58730. Description of Credit Student Services Category.

The credit student services category of operation includes the components of matriculation, financial aid, placement services, student activities and other student services. These services correspond to the California Community Colleges Budget and Accounting Manual Classification of Expenditures by Activity, activity codes 6200 through 6400.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

§ 58732. Credit Student Services Standards.

(a) The credit student services standards per college in 1990–91 dollars shall be as follows:

(1) Admissions and records at $30.13 per credit headcount.

(2) Orientation: Twenty counselor days for development of materials and preparation; staff costs per orientation session equal to 3 hours of a counselor, 1 hour of a technician, 3 hours of a student worker, and 16 hours of clerical support; eighty percent of the new credit enrollees are served with 100 students in each orientation session; $5.05 for supplies for each new enrollee served.

(3) Testing and Assessment: One FTE technician plus one FTE clerical staff for administration of testing; plus $1.01 per enrollee tested for notification costs.

(A) General testing of 3 tests at one hour each at $20.19 per hour for administration; 80% of the new enrollees are tested with 50 students per test session; $2.02 to purchase each test, plus $0.10 to score each standardized test and $9.64 to score each holistic test.

(B) Additional limited English proficiency testing of 2 additional tests at one hour each at $40.39 per hour for administration; 5% of the nonexempt new enrollees are assumed to require testing with 15 students per test session; $2.02 to purchase each test, plus $0.10 for scoring.

(4) Counseling:

(A) Pre-registration: The FTE counselors plus 25% FTE clerical support necessary to counsel each nonexempt new fall enrollee on a one-to-one basis for one-half hour each;

(B) Post-registration: The FTE counselors plus 25% FTE clerical support necessary for student educational plans, general counseling, probation counseling, and Basic Skills counseling. Eighty percent of new enrollees will be counseled for 1 hour and 15 minutes for student educational plans. Fifty percent of continuing students will be counseled for 1 hour of general counseling. Twelve percent of the continuing students will receive probationary counseling for 1 hour 45 minutes. Basic Skills students will receive an additional 30 minutes of counseling each term. Counselors are assumed to average 6.36 hours per day, 75% of which is spent with students. An allocation of $641 per counselor is calculated for supplies.

(5) Research and Evaluation: 1 FTE researcher plus 1 FTE programmer plus .5 clerical support staff plus $2,093 for supplies. Costs for this area are accounted for under institutional support and are not included in the standards rates derived in subdivision (b).

(6) Coordination and Training: 1 FTE administrator plus 1 FTE coordinator plus 1 FTE clerical support.

(7) Financial aid: 1 FTE director plus 1 FTE advisor plus 0.5 FTE technician plus 1 FTE clerical support plus $2,764 base fixed costs plus $21.56 per credit headcount.

(8) Placement services cost of 1 director salary plus 1 FTE academic staff per 14,500 credit enrollees plus 1 clerical FTE plus additional 1 clerical per 4 academic staff members.

(9) Credit student activities costs of 1 director salary plus 1 FTE academic staff per 14,500 credit enrollees plus 1 clerical FTE plus additional 1 clerical per 4 academic staff members.

(10) Flat rate of $34.37 per credit headcount for additional, unspecified student services.

(11) The standards derived in Subparagraphs (1), (2), (3), (4), and (10) above, shall be adjusted by the scale factor defined in Section 58734.

(b) The standard rate derived from application of the above standards to be used in the 1991-92 allocation process, contained in Article 8 of this Subchapter, for the credit student services category shall be $692,999 per college, increased by the inflation adjustment pursuant to subdivision (a) of Section 58773, plus $219.10 per new credit enrollment and $175.94 per continuing credit enrollment, both adjusted by the inflation adjustment pursuant to Subdivision (a) of Section 58773 and the scale factor, pursuant to Section 58734. For 1992-93 and each fiscal year thereafter, the standard rates shall be the rates used for the prior fiscal year increased by the inflation adjustment pursuant to Subdivision (a) of Section 58773.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).
2. Amendment of section and NOTE filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).

§ 58734. Credit Student Services Scale Factors.

(a) For single college districts:

(1) If credit headcount is less than 6,439, the scale factor is:

1.4647 - 0.679483162 (Headcount/10,000) + 0.03014 (Headcount/10,000)^2.

(2) If credit headcount is greater than or equal to 6,439 and less than or equal to 22,395, the scale factor is:

1.055719298175 - 0.024879641 (Headcount/10,000).

(3) If credit headcount is greater than 22,395, the factor is 1.0.

(b) For each college in a multi-college district:

(1) If credit headcount is less than 6,439, the scale factor is:

1.4249995135523 - 0.661063757 (Headcount/10,000) + 0.02932 (Headcount/10,000)^2.

(2) If credit headcount is greater than or equal to 6,439 and less than or equal to 11,197, the scale factor is:

1.0271041758361 - 0.024205282 (Headcount/10,000).

(3) If credit headcount is greater than 11,197, the factor is 1.0.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).
2. Amendment filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).

Article 5. Maintenance and Operations

§ 58740. Description of Maintenance and Operations Category.

The maintenance and operations category of operation includes the activities associated with the general operation and maintenance of buildings and grounds both owned and leased by the district. These activities correspond to the California Community Colleges Budget and Accounting Manual Classification of Expenditures by Activity, activity code 6500.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).

§ 58742. Maintenance and Operations Standards.

(a) The maintenance and operations standards are based upon the extensive work done by Clyde Gordon and Associates, Inc. for CSU and UC systems contained in the report entitled, "UC/CSU Maintenance Workload Standards Study - October, 1987."

(b) The standard rates derived from application of the above standards to be used in the 1991-92 allocation process, contained in article 8 of this subchapter, for the maintenance and operations category shall be $7.39 per gross square footage of the district owned or leased space under 100% control plus $315.76 per FTES generated in space that is not under the control of the district 100% of the time and is consequently not inventoried, both increased by the inflation adjustment pursuant to subdivision (a) of section 58773. For 1992-93 and each fiscal year thereafter, the standard rates shall be the rates used for the prior fiscal year increased by the inflation adjustment pursuant to subdivision (a) of section 58773.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

Article 6. Institutional Support

§ 58750. Description of Institutional Support Category.

The institutional support category of operation includes activities associated with current and future management (planning and policy making) and the business services operations of the college and/or district. These activities correspond to the California Community Colleges Budget and Accounting Manual Classification of Expenditures by Activity, activity codes 6600 and 6700.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

§ 58752. Institutional Support Standards.

(a) The institutional support standard is 14.2 percent of the amounts generated in all the categories specified in articles 2–7. It is based on actual statewide expenditure patterns in 1987–88 for the General Institutional Support and Policy Planning Activity as a percentage of total expenditures (less capital outlay).

(b) The standard rate derived from application of the above standard to be used in the 1991–92 and subsequent fiscal years allocation process, contained in article 8 of this subchapter, for the institutional support category is 14.2% of the revenue generated in categories specified in articles 2–7.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

Article 7. Noncredit Activities

§ 58760. Description of Noncredit Activities.

Noncredit activities include the operations of instruction, instructional services, and student services for noncredit classes.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

§ 58762. Noncredit Activities.

For the 1991–92 fiscal year, the amount per noncredit FTES shall be equal to the amount received for 1990–91 for noncredit average daily attendance less a proportionate amount for maintenance and operations, and institutional support, plus increases corresponding to the inflation adjustment specified in subdivision (a) section 58773. For the 1992–93 fiscal year and each fiscal year thereafter, the amount per noncredit FTES shall be equal to the amount received in the prior fiscal year increased by the inflation adjustment pursuant to subdivision (a) of section 58773.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

Article 8. Allocation Process

§ 58770. State Apportionment Procedure.

(a)(1) Except as provided in subdivisions (2) or (3), the fiscal year revenues for each community college district shall be the noncredit base revenues associated with the funded FTES specified in subdivision (c) of section 58771, plus the credit base revenues associated with the funded FTES specified in subdivision (b) of section 58771, plus the career development and college preparation noncredit base revenues associated with the funded FTES specified in subdivision (d) of section 58771, plus the basic allocation base revenues as defined in subdivisions (e) and (i) of section 58771, plus the inflation adjustments specified in section 58773, plus the workload adjustments specified in section 58774, plus the budget stability adjustment specified in section 58776.

(2) If the sum of the local property tax and fee revenues as defined in subdivision (b) equals or exceeds a district's fiscal year revenue as calculated pursuant to subdivision (1) above, then the fiscal year revenue for that district shall be the sum of the property tax and fee revenues pursuant to subdivision (b) rather than the figure calculated pursuant to subdivision (1). If, in the subsequent year, the sum of the local property tax and fee revenues as defined in subdivision (b) equals or is less than the district's fiscal year revenue as calculated pursuant to subdivision (1) above, then the base revenue for that fiscal year for that district shall be equal to the district's prior year total computational revenue.

(3) If a district's revenue for the 2006–07 fiscal year is based on the program–based funding principles authorized by former Education Code section 84750, as provided for by paragraph (9) of subdivision (d) of Education Code section 84750.5, then the revenue for that district for subsequent fiscal years shall be the higher of:

(A) its prior year total computational revenue, plus the inflation adjustments specified in section 58773, plus the workload adjustments specified in section 58774, plus the budget stability adjustment specified in section 58776; or

(B) the figure calculated pursuant to paragraph (1) of this subdivision. Beginning with the fiscal year for which the higher amount for a district is the figure calculated pursuant to paragraph (1), for each fiscal year thereafter the district's fiscal year revenue shall be calculated pursuant to paragraph (1).

(b) For each community college district, the Chancellor shall subtract from the revenues determined pursuant to subdivision (a), the local property tax revenue specified by law for general operating support, exclusive of bond interest and redemption, timber yield tax revenue pursuant to section 38905.1 of the Revenue and Taxation Code, and 98 percent of the fee revenues required to be collected pursuant to Education Code section 76300. The remainder shall be the state general apportionment for each district.

(c) The Chancellor shall adjust the amount determined pursuant to subdivision (b) and the corresponding FTES associated with that adjustment to provide for prior year adjustments required pursuant to sections 51102, 58134, 59112 et seq. or other provisions of this division authorizing subsequent adjustment of a district's apportionment.

(d) Warrants shall be drawn on the State Treasury by the Controller in favor of the treasurer of each county for the allocations certified by the Chancellor in accordance with the following schedule, as adjusted by the Chancellor in accordance with the provisions of subdivision (e):

(1) Eight percent of district eligibility shall be allocated in July.

(2) Eight percent of district eligibility shall be allocated in August.

(3) Twelve percent of district eligibility shall be allocated in September.

(4) Ten percent of district eligibility shall be allocated in October.

(5) Nine percent of district eligibility shall be allocated in November.

(6) Five percent of district eligibility shall be allocated in December.

(7) Eight percent of district eligibility shall be allocated in January.

(8) The remaining percent of district eligibility shall be allocated in the months for February through June on a schedule as certified by the Chancellor.

(e) The Chancellor may, upon the demonstrated need of any community college district for increased levels of allocations of state funds in any month based on district expenditure patterns and cash flow needs, adjust the allocations provided in subdivision (d), provided that the total of the allocations to be made between July 1 and February 1 shall not exceed 70 percent. The Chancellor may also revise the levels of allocation on a

system-wide basis to accommodate legislated deferrals of the system's appropriated apportionment not included in subdivision (d).

(f) The Chancellor, at the request of a governing board of a community college district, and when necessary to maintain the secure deposit and prudent investment of district funds, may direct the Controller to draw warrants in favor of the Local Agency Investment Fund within the State Treasury in lieu of drawing warrants in favor of the county treasurer of the county in which the district resides. The governing board shall certify, and the Chancellor shall find, that the revenues being apportioned are not required for immediate needs.

NOTE: Authority cited: Sections 66700, 70901, 84500 and 84750.5, Education Code. Reference: Sections 70901, 76300 and 84500, Education Code.

HISTORY

1. New section filed 5-29-91 and submitted to OAL 6-3-91 for printing only pursuant to Education Code section 70901.5; operative 6-30-91 (Register 91, No. 28).
2. Amendment of section, new subsection (f), and amendment of NOTE filed 1-23-95 as an emergency; operative 1-23-95. Submitted to OAL for printing only. A Certificate of Compliance must be transmitted to OAL 5-23-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (b) filed 6-30-95; operative 8-30-95. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 95, No. 30).
4. Amendment of subsections (a)-(c) and (e) and amendment of NOTE filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).
5. Redesignation and amendment of subsection (a) as subsection (a)(1) and new subsections (a)(2)-(a)(2)(B) filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
6. Amendment of subsections (a)(1) and (c) filed 6-13-2008; operative 7-13-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 58771. Base Fiscal Year Revenues.

(a) The base revenues for each community college district shall be the sum of the revenues received for the preceding fiscal year in accordance with section 58770 (including any subsequent adjustments pursuant to subdivision (c) thereof), exclusive of section 58776, plus any unfunded shortage in revenues identified pursuant to the provisions of sections 58772 and 58779, less any adjustment for declining FTES pursuant to section 58774 in the preceding fiscal year.

(b) Base credit FTES shall be the funded FTES of the prior fiscal year.

(c) Base noncredit FTES shall be the funded noncredit FTES of the prior fiscal year.

(d) Base career development and college preparation noncredit FTES shall be the funded career development and college preparation noncredit FTES of the prior fiscal year. The 2006-07 fiscal year begins with a base of zero FTES.

(e) Base basic allocation level shall be contingent upon the status of the college, center and FTES criteria pursuant to subdivision (i) of this section.

(f) The noncredit base revenue for each community college district shall be equal to the units of base noncredit FTES determined pursuant to subdivision (c), multiplied by the base rate of $2,479.23; in subsequent years the base rate shall be the prior year base rate plus an inflation adjustment pursuant to section 58773. The 2006-07 marginal rate for noncredit FTES after the inflation adjustment is $2,626.00.

(g) The credit base revenue for each community college district shall be equal to the units of base credit FTES determined pursuant to subdivision (b), multiplied by the base rate of $4,122.92 in the 2006-07 fiscal year; in subsequent years the base rate shall be the prior year base rate plus an inflation adjustment pursuant to section 58773(b). The 2006-07 marginal rate for credit FTES after the inflation adjustment is $4,367.00.

(h) The career development and college preparation noncredit base revenue for each community college district shall be equal to the units of base career development and college preparation noncredit FTES determined pursuant to subdivision (d) multiplied by the base funding rate for that year. In subsequent years the base rate shall be the prior year base rate plus an inflation adjustment pursuant to section 58773. In 2006-07, the marginal rate will be $3,092.00 if the $30 million provided for this category of FTES is adequate to fully fund all qualifying FTES.

(i) The basic allocation base revenue for each community college district shall be contingent upon the number and size of colleges and educational centers, as those terms are defined in section 55180 and this section. The annual basic allocation base rates for fiscal year 2006-07 shall be the basic allocation rates shown below. The basic allocation base rate for subsequent years will be the 2006-07 base rate plus any inflation adjustments applied in intervening years. Apportionment allocations for the basic allocation base revenues and base rates are based on the prior year's FTES as reported on the final attendance report. The unadjusted basic allocation base rates, before any inflation adjustment for 2006-07, shall be:

(1) Single college districts: $5,000,000 per single college district with FTES equal to or greater than 20,000.

(2) Single college districts: $4,000,000 per single college district with FTES equal to or greater than 10,000 FTES but less than 20,000 FTES.

(3) Single college districts: $3,000,000 per single college district with less than 10,000 FTES.

(4) Multi-college districts: $4,000,000 per college with FTES equal to or greater than 20,000 FTES; $3,500,000 per college with FTES equal to or greater than 10,000 FTES but less than 20,000 FTES; and $3,000,000 per college with less than 10,000 FTES.

(5) Educational centers: $1,000,000 for each center described in subdivision (b)(1) of section 55180 and reporting 1,000 or more FTES. A district is not eligible for the basic allocation revenue provided by this subdivision associated with an educational center that is approved by the Board of Governors on or after May 1, 2008, unless and until the Chancellor determines that the center reported at least 1,000 FTES on the district's most recent final attendance report.

(6) Grandparented centers described in subdivision (b)(2) of section 55180: amounts as specified below for 2006-07 plus inflation adjustments to be applied to calculate the entitlement for subsequent years.

(A) Greater than or equal to 1,000 FTES: $1,000,000

(B) Greater than or equal to 750 FTES but less than 1,000 FTES: $750,000

(C) Greater than or equal to 500 FTES but less than 750 FTES: $500,000

(D) Greater than or equal to 250 FTES but less than 500 FTES: $250,000

(E) Greater than or equal to 100 FTES but less than 250 FTES: $125,000

(7) For grandparented centers described in subdivision (b)(2) of section 55180, the amount of certified FTES used to calculate the center's 2006-07 entitlement shall not be increased until the center in question is approved as an educational center pursuant to article 4 of subchapter 2 of chapter 6 (commencing with section 55180) but may be decreased in accordance with the provisions of paragraph (8) below. The provisions of paragraphs (10) and (11) of this subdivision shall not apply to a grandparented center pursuant to subparagraph (6) above until it is approved as an educational center pursuant to article 4 of subchapter 2 of chapter 6 (commencing with section 55180).

(8) Beginning with fiscal year 2005-06, districts shall report FTES for each college and educational center in accordance with guidance from the Chancellor's Office. These FTES will be used to calculate the amount of basic allocation earned by each district. If an educational center does not serve at least an amount of FTES sufficient to continue at the same basic allocation funding level, the unadjusted basic allocation amount will be recalculated consistent with the FTES level served. If the recalculation results in a lower funding amount, the reduction will not occur until the third year after the initial recalculation that resulted in the lower calculated funding amount. If the educational center increases the level of FTES served in years subsequent to the reduction in its basic allocation amount, the Chancellor shall recalculate the basic allocation amount us-

ing the larger FTES level, but in no case will the basic allocation be recalculated using a level of FTES that exceeds the FTES amount from its initial center certification.

(9) The Chancellor may authorize extraordinary basic allocation base revenue pursuant to this section to a partner district under section 74292.

(10) Other than as provided in paragraphs 7 and 11, the amount of FTES served by each college and center as reported on the 2005–06 final attendance report shall be used to calculate the minimum unadjusted basic allocation amount for the initial 2006–07 fiscal year of the apportionment and the following two years.

(11) Other than as provided in paragraph 7, if a new college or center is established, or if the FTES from an existing college or center increases to a level that warrants an adjustment of the district's previous basic allocation base amount, the basic allocation adjustment shall be included in the next principal apportionment subject to the final recalculation of apportionment for that year.

(12) Single college districts that reported credit attendance at less than or equal to 5,000 FTES for the 2005–06 final attendance report that are serving areas of the state with less than 217 people per square mile are eligible for a base allocation adjustment of $500,000 to the initial base allocation amount.

(13) Changes to basic allocation funding pursuant to paragraph (11) of this subdivision shall come from the same funding sources as the base funding pursuant to section 58772.

(14) FTES produced from distance education courses or courses taught at a physical location other than a college or a center shall be credited to the base allocation of the college or center from which they were reported for the first principal apportionment of the 2006–07 fiscal year. Subsequent to the first principal apportionment of the 2006–07 fiscal year, any new FTES produced from a distance education course or courses taught at a physical location other than a college or center shall be credited to the base allocation of the college or center where they were initially reported. The intent of this section is to specify that FTES may not be moved among colleges after they have been initially reported so as to increase the base allocation of a college.

(15) In the event that a college or center is closed, the FTES produced from a distance education course or courses taught at a physical location other than a college or center and reported from that college or center shall be credited to another college or center in the same district, to the extent that such additional FTES is produced at the recipient college or center. The FTES may not be credited to a subsequent college or center in the district at a later date unless the original recipient college or center is also closed. The intent of this section is that FTES may not be moved among colleges or centers after they have been initially reported so as to increase the base allocation of a college or center.

NOTE: Authority cited: Sections 66700, 70901, 74292 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of section and NOTE filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).
4. Amendment of section and NOTE filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
5. Amendment filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 58772. Base Revenue and Workload Reduction.

Notwithstanding sections 58771 and 58779, if it is known at the time of the adoption of the State Budget Act for the current year that revenues are not sufficient to fully fund base revenues pursuant to section 58771, district base revenues shall be reduced proportionally by the ratio of the statewide total revenue available for purposes of section 58771, to the statewide total calculated amount for purposes of section 58771, and all base workload measures pursuant to section 58771, shall be reduced proportionally by the ratio of the statewide total revenue available for purposes of section 58771, to the statewide total calculated amount for purposes of sections 58771 and 58773.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Editorial correction (Register 95, No. 23).

§ 58773. Inflation Adjustments.

(a) Inflation adjustments shall be made using any inflationary adjustment provided in the annual Budget Act.

(b) The noncredit base inflation adjustment for each community college district shall be the product of the following:

(1) The noncredit base revenue computed pursuant to subdivision (f) of section 58771.

(2) The quotient of the inflation adjustment determined pursuant to subdivision (a), divided by 100.

(c) The credit base inflation adjustment for each community college district shall be the product of the following:

(1) The credit base revenue computed pursuant to subdivision (g) of section 58771.

(2) The quotient of the inflation adjustment determined pursuant to subdivision (a), divided by 100.

(d) The career development and college preparation noncredit base inflation adjustment for each community college district shall be the product of the following:

(1) The career development and college preparation noncredit base revenue computed pursuant to subdivision (h) of section 58771.

(2) The quotient of the inflation adjustment determined pursuant to subdivision (a), divided by 100.

(e) The basic allocation base inflation adjustment for each community college district shall be the product of the following:

(1) The basic allocation base revenue computed pursuant to subdivision (i) of section 58771.

(2) The quotient of the inflation adjustment determined pursuant to subdivision (a), divided by 100.

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Amendment of subsection (a), repealer of subsection (c)(3), new subsections (d)–(e)(2) and amendment of NOTE filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).

§ 58774. Growth and Decline.

(a) District growth rates for the 2006–07, 2007–08 and the 2008–09 fiscal years shall be determined based upon the regulations and processes in effect as of September 30, 2006, except that by August 31, 2008, the Chancellor shall notify districts of revised growth rates which are adjusted proportionately to reflect the amount of growth funding provided in the 2008–09 Budget Act.

(b) Commencing with the 2009–10 fiscal year, district "growth rates" shall be determined by the Chancellor based on, at a minimum, the sum of the following factors:

(1) Determination of an equally weighted average rate of change in the primary county population of persons between the ages of 19 and 24 and the rate of change in the primary county population of persons between the ages of 25 and 65, both as determined by the Department of Finance's Demographic Research Unit as determined for the preceding fiscal year.

(2) To the extent a college district's primary county unemployment rate exceeds 5 percent for the most recently completed year, an adjustment based on that positive difference shall be added to the rate computed in paragraph (1). In no event shall that positive difference used in calculating this adjustment exceed 2 percent.

(3) The Chancellor may also add to these amounts the number of FTES in the areas of transfer, career technical education, and basic skills that were unfunded in the current fiscal year. For this purpose, the following computation shall be determined for each district, and a statewide total shall be calculated:

(A) Establish the base level of FTES earned in the prior fiscal year for transfer courses consisting of courses meeting the California State University breadth or Intersegmental General Education Transfer Curriculum requirements or major course prerequisites accepted by the University of California or the California State University.

(B) Establish the base level of FTES earned in the prior fiscal year for career technical education courses consisting of courses defined by the Chancellor's office Student Accountability Model codes A and B that are consistent with the courses used for measuring success in this program area under the accountability system established pursuant to Education Code section 84754.5.

(C) Establish the base level of FTES in the prior fiscal year for basic skills courses, both credit and noncredit.

(D) Add the sum of FTES for paragraphs (A) to (C), inclusive.

(E) Multiply the result of the calculation made under paragraph (D) by one plus the district's funded growth rate in the current fiscal year. This figure shall represent the maintenance of effort level for the budget year.

(F) FTES in transfer, career technical education, and basic skills that are in excess of the total calculated pursuant to paragraph (E), shall be considered in excess of the maintenance of effort level, and shall be eligible for overcap growth funding if the district exceeds its overall funded FTES.

(G) In no event shall the amount calculated pursuant to paragraph (F) exceed the total unfunded FTES for that fiscal year.

(c) Each district shall receive a minimum growth allocation of 1% or a rate which will provide at least 100 total FTES. Preliminary growth rates for a fiscal year shall be calculated and made available to the districts as early as possible during the preceding fiscal year. Preliminary growth rates are subject to change.

(d) To the extent the computations specified in this section require the reporting of additional data by community college districts, that reporting shall be a condition of the receipt of apportionment for growth pursuant to this section and those funds shall be available to offset any and all costs of providing the data.

(e) District growth rates are used to determine growth revenue caps when funding required to meet all FTES increases in the system exceeds the growth appropriation in the annual Budget Act. The district's total revenue growth cap is the sum of the revenue caps for all the district's FTES workload measures. A district's growth revenue cap is calculated by multiplying the marginal growth funding rates for its credit, noncredit, and career development and college preparation FTES by the product of a district's growth rate determined annually pursuant to subdivisions (b) and (c), multiplied by the appropriate base FTES for that funding rate. A district's growth revenue cap for credit FTES, noncredit FTES, and career development and college preparation FTES to the extent funds are available to fully fund increases in these workload measures shall be the sum of the following:

(1) Credit FTES — The product of the current year's marginal credit funding rate multiplied by the growth rate determined pursuant to subdivisions (b) and (c), times the number of base credit FTES.

(2) Noncredit FTES — The product of the current year's marginal noncredit funding rate multiplied by the growth rate determined pursuant to subdivisions (b) and (c), times the number of base noncredit FTES.

(3) Career development and college preparation noncredit FTES — The product of the current year's marginal career development and college preparation noncredit funding rate multiplied by the growth rate determined pursuant to subdivisions (b) and (c), times the number of base career development and college preparation noncredit FTES.

(f) Growth revenue shall be computed for districts that have fully restored revenue and FTES lost in the prior three fiscal years due to workload declines in those years. An actual growth revenue computation for credit FTES, noncredit FTES, and career development and college preparation noncredit FTES shall be the sum of the following:

(1) Credit FTES — The product of the current year's marginal credit funding rate times the net change in credit FTES reported in the current year relative to the district's base credit FTES for that year and net of any credit FTES restoration.

(2) Noncredit FTES — The product of the current year marginal noncredit funding rate times the net change in noncredit FTES reported in the current year relative to the district's base noncredit FTES for that year and net of any noncredit FTES restoration.

(3) Career development and college preparation noncredit FTES — The product of the current year marginal career development and college preparation noncredit funding rate times the net change in career development and college preparation noncredit FTES reported in the current year relative to the district's base career development and college preparation noncredit FTES for that year and net of any career development and college preparation noncredit FTES restoration. If the district's career development and college preparation noncredit base is zero and the current year is the first year the district has reported career development and college preparation noncredit FTES, growth revenue shall be calculated using the regular noncredit marginal rate for that portion of career development and college preparation noncredit FTES converted from regular noncredit FTES. The funding rate differential shall be reported as a "career development and college preparation funding rate adjustment." If total noncredit (regular and career development and college preparation noncredit) FTES is greater than the noncredit base FTES level, growth revenue for that portion of career development and college preparation noncredit in excess of the noncredit FTES base shall be calculated as the product of the career development and college preparation FTES and the career development and college preparation noncredit marginal funding rate for that portion of career development and college preparation noncredit in excess of the noncredit FTES base.

(g) If the total growth computed in subdivision (f) is less than zero, the district's base revenue for the subsequent fiscal year shall be adjusted in accordance with subdivision (h). If the amount computed in subdivision (f) is greater than zero and less than or equal to the revenue cap computed pursuant to subdivisions (b) and (c), the district revenue shall be adjusted by the amount computed pursuant to subdivision (f). If the amount computed in subdivision (f) is greater than the revenue cap computed pursuant to subdivisions (b) and (c), the district's revenue could be constrained by the revenue cap computed pursuant to subdivisions (b) and (c).

(h) A decline in FTES for any particular workload occurs when the actual funded FTES is less than the amount of the corresponding base FTES. A district receives stability revenue when its total growth revenue from all FTES measures is negative. Total growth revenue shall be the sum of all the positive and negative growth revenue for all FTES.

(i) A district shall be entitled to additional funding in its basic allocation equal to the amounts identified in subdivision (i) of section 58771 and as adjusted for inflation pursuant to section 58773 in subsequent years to the extent additional resources are provided in the annual Budget Act for any new colleges or centers added in the current fiscal year or if sufficient general apportionment base funding exists to fund new colleges and centers. Growth funds appropriated in the annual Budget Act shall be available to fund any new colleges and centers if other specific new funds are not provided in the Budget Act and there are not sufficient unallocated funds remaining in the general apportionment schedule. The intent of this section is to fund increases to the system's basic allocation before funding FTES growth as identified in subdivisions (e), (f) and (g) above.

(j) This section shall become inoperative on April 30, 2009.

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).

2. Amendment of section and NOTE filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).
3. Editorial correction of subsection (f) (Register 2007, No. 25).
4. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
5. Amendment of subsections (a)–(b), (b)(2)–(3), (b)(3)(B), (b)(3)(F), (f)(3) and (j) filed 6–13–2008; operative 7–13–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 25).

§ 58774.5. Funding Rate Increases for Annexations.

The Chancellor may increase the funding rates utilized in Subdivisions (b) and (c) of Section 58774 for a college or district for increases in workload related to the annexation of rural nondistrict territory approved by the Board of Governors in accordance with Education Code Section 74205. Increases in funding rates shall be determined at the time of the approval of the annexation by the Board of Governors.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 11–6–97; operative 12–6–97. Submitted to OAL for printing only (Register 97, No. 46).

§ 58775. Program Improvement.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Repealer filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).

§ 58776. Budget Stability.

Districts shall receive stability funding only in the initial year of decline in FTES in an amount equaling the revenue loss associated with the FTES reduction for that year. Declines in college FTES that result in a reduction of calculated basic allocation will not cause a reduction in basic allocation base revenue until the third year after the year of the FTES decline, and the basic allocation will not be reduced if the FTES is restored back to or above the pre–decline base.

NOTE: Authority cited: Sections 66700, 70901 and 84570.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Amendment filed 11–6–97; operative 12–6–97. Submitted to OAL for printing only (Register 97, No. 46).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Amendment of section and NOTE filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).
5. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 58777. Decline Restoration.

(a) Districts shall be entitled to restore any reductions in apportionment revenue due to declines in FTES during the three years following the initial year of decline in credit, noncredit, or career development and college preparation FTES if there is a subsequent increase in FTES.

(b) Restoration of revenue for declining workload and the inflation adjustments made between the year of decline and the year of restoration shall be made at the district's current marginal growth funding rate.

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Editorial correction of Authority cite (Register 95, No. 29).
3. Amendment of section and NOTE filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).
4. Amendment filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 58779. Deficit Mechanism.

In the event that State General Fund appropriations, local property tax revenues, student enrollment fees, and other local tax revenues allocated to community college districts for general operating support, are less than the amounts computed for all districts for the fiscal year pursuant to subdivision (a) of section 58770, the Chancellor shall apportion state aid by multiplying the amount computed for each district pursuant to subdivision (a) of section 58770, by the ratio of the statewide total revenue available for purposes of subdivision (a) of section 58770, to the statewide total calculated amount for purposes of subdivision (a) of section 58770.

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Amendment of NOTE filed 1–17–2007; operative 1–17–2007. Submitted to OAL for printing purposes only pursuant to Education Code section 70901.5 (Register 2007, No. 9).

Article 9. Reporting Procedures

§ 58780. Documentation Requirements. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Editorial correction of Authority cite (Register 95, No. 29).
3. Repealer of article 9 (sections 58780–58785) and repealer of section filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58782. Computation and Limitations on State Aid. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Section 84750, Education Code.

HISTORY

1. New section filed 5–29–91 and submitted to OAL 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
2. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
3. Repealer filed 5–16–2008; operative 6–15–2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58785. Duration of Subchapter. [Repealed]

NOTE: Authority cited: Sections 66700, 70901 and 84750.5, Education Code. Reference: Section 84750.5, Education Code.

HISTORY

1. New section filed 4–27–2007; operative 5–27–2007. Submitted to OAL for printing only (Register 2007, No. 25).
2. Repealer filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Chapter 10. Community College Administration

Subchapter 1. Warrants

NOTE: Authority cited: Section 71020, Education Code. Reference: Chapter 797, Statutes of 1979.

HISTORY

1. New Division 10, Chapter 1 (Sections 59000–59004) filed 3–5–76; effective thirtieth day thereafter (Register 76, No. 10).

2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 1 (Sections 59000-59004) filed 11-15-79; effective thirtieth day thereafter (Register 79, No. 46).

Subchapter 2. Community College Budget and Accounting Manual

§ 59010. Method of Accounting.

(a) The Board of Governors hereby adopts and incorporates by reference, into this provision of the California Code of Regulations, the California Community Colleges Budget and Accounting Manual chapters 2 through 5 as revised September 1999. This section shall become operative July 1, 2000.

(b) Revisions made to the Budget and Accounting Manual after July 1, 2000 shall be considered incorporated by reference into this provision when they have been adopted by the Board.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 4-19-2000; operative 4-10-2000. Submitted to OAL for printing only (Register 2000, No. 16). For prior history see Register 94, No. 38.
2. Amendment of section and NOTE filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59011. Method of Accounting.

NOTE: Authority cited: Sections 66700, 70901 and 71024, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
2. Amendment filed 4-19-2000; operative 4-10-2000. Submitted to OAL for printing only (Register 2000, No. 16).
3. Repealer filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59013. Price of Food.

Food served in community college district cafeterias shall be sold to the patrons of the cafeterias at such a price as will pay the cost of maintaining the cafeterias, exclusive of the costs made a charge against the funds of the community college district by resolution of the governing board.

The disposition and accounting of revenue and expenditures of the cafeteria shall be as prescribed by the California Community Colleges Budget and Accounting Manual.

NOTE: Authority cited: Section 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59015. Audit of Scholarship Funds; Administrative Expenses.

Where the governing board of a district has established and maintains a fund for scholarships and loans, as designated by the California Community Colleges Budget and Accounting Manual, the governing board shall arrange for an annual audit of the fund in the manner prescribed in Section 84040 of the Education Code and Board of Governors regulations. All expenses in the administration of the fund, including, but not limited to, audits, operating costs, and promotion of the fund, shall be a proper charge against the funds of the district, and the annual budget of the district shall include funds for these expenses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84040, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59016. Special Fund or Account in County Treasury: Gift or Bequest for Special Purpose; Rules and Regulations by Governing Board.

(a) Any gift or bequest of money which is to be invested pursuant to this article shall be placed in a fund as designated by the California Community Colleges Budget and Accounting Manual in the county treasury. If the gift or bequest of money is required to be used for specific purposes according to the terms of the gift or bequest, the governing board shall place the money in a separate account by the name that it shall be known, including in its name the term trust account.

(b) The money deposited in a separate account in the designated fund shall be invested pursuant to this article or expended only for the purposes of the gift or bequest.

(c) The governing board shall adopt rules and regulations to effectuate the purposes of this article, not inconsistent with law.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Sub-

[The next page is 394.41.]

mitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 29).

Subchapter 2.5. Retention and Destruction of Records

Article 1. General Provisions

§ 59020. Definition of Records.

(a) For purposes of this subchapter, "records" means all records, maps, books, papers, data processing output, and electronic documents that a Community College district is required by law to prepare or retain by law or official duty. "Records" includes "student records" as defined in section 76210 of the Education Code.

(b) The following documents are not "records" and may be destroyed at any time:

(1) Additional copies of documents beyond the original or one copy. (A person receiving a duplicated copy need not retain it.)

(2) Correspondence between district employees that does not pertain to personnel matters or constitute a student record.

(3) Advertisements and other sales material received.

(4) Textbooks used for instruction, and other instructional materials, including library books, pamphlets and magazines.

NOTE: Authority cited: Sections 66700, 70901 and 76220, Education Code. Reference: Sections 76210 and 76220, Education Code.

HISTORY

1. New chapter 2.5 (sections 59020–59029) filed 10–8–76; effective thirtieth day thereafter (Register 76, No. 41).
2. Amendment of section and NOTE filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 29).
6. Amendment of section and NOTE filed 10–10–2001; operative 11–9–2001. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2001, No. 41).
7. Change without regulatory effect amending subsection (a) filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59021. Scope of Chapter.

The provisions of this chapter apply only in the event that the destruction or retention of records by the district is not otherwise authorized or provided for by law.

NOTE: Authority cited: Sections 66700, 70901 and 76220, Education Code. Reference: Section 76220, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59022. Classification of Records.

(a) The governing board of each Community College district shall establish an annual procedure by which the chief executive officer, or other designee shall review documents and papers received or produced during the prior academic year and classify them as Class 1–Permanent, Class 2–Optional, or Class 3–Disposable.

(b) All records not classified prior to July 1, 1976, are subject to the same review and classification as in (a). If such records are three or more years old and classified as Class 3–Disposable, they may be destroyed without further delay, but in accordance with article 3.

(c) Records originating during a current academic year shall not be classified during that year.

(d) Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased.

(e) Whenever an original Class 1–Permanent record is photographed, microphotographed, or otherwise reproduced on film or electronically, the copy thus made is hereby classified as Class 1–Permanent. The original record, unless classified as Class 2–Optional, may be classified as Class 3–Disposable, and may then be destroyed in accordance with this chapter if the following conditions have been met:

(1) The reproduction was accurate in detail.

(2) The chief executive officer, or other designee, has attached to or incorporated in the copy or system a signed and dated certification of compliance with the provisions of section 1531 of the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.

(3) The copy was placed in an accessible location and provision was made for preserving permanently, examining and using same.

(4) In addition, if the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code; and Section 1531, Evidence Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).
4. Amendment of subsections (e)–(e)(3), new subsection (e)(4) and amendment of NOTE filed 10–10–2001; operative 11–9–2001. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2001, No. 41).

Article 2. Period of Retention

§ 59023. Class 1–Permanent Records.

The original of each of the records listed in this Section, or one exact copy thereof when the original is required by law to be filed with another agency, is a Class 1–Permanent record and shall be retained indefinitely, unless copied or reproduced in accordance with Subsection (e) of Section 59022.

(a) The following annual reports:

(1) official budget;

(2) financial report of all funds, including cafeteria and student body funds;

(3) audit of all funds;

(4) full–time equivalent student, including Period 1 and Period 2 reports; and

(5) other major annual reports, including:

(A) those containing information relating to property, activities, financial condition, or transactions; and

(B) those declared by board minutes to be permanent.

(b) The following official actions:

(1) minutes of the board or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in minutes but included therein by reference only;

(2) elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted or canvassed by the governing board for a board member, the board member's recall, issuance of bonds, incurring any long–term liability, change in maximum tax rates, reorganization, or any other purpose; and

(3) records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

(c) The following personnel records of employees. All detail records relating to employment, assignment, employee evaluations, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detail records, a complete proven summary payroll record for every employee of the school district containing the same data may be classified as Class 1–Permanent, and the detail records may then be classified as Class 3–Disposable.

(d) The following student records:

(1) the records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to:

(A) name of student;

(B) date of birth;

(C) place of birth;

(D) name and address of a parent having custody or a guardian, if the student is a minor;

(E) entering and leaving date for each academic year and for any summer session or other extra session;

(F) subjects taken during each year, half year, summer session or quarter; and

(G) if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.

(2) All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1–Permanent records, one year after the claim has been settled or after the applicable statute of limitations has run.

(e) Property Records. All detail records relating to land, buildings, and equipment. In lieu of such detail records, a complete property ledger may be classified as Class 1–Permanent, and the detail records may then be classified as Class 3–Disposable, if the property ledger includes:

(1) all fixed assets;

(2) an equipment inventory; and

(3) for each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 29).
5. Amendment of first paragraph filed 10–10–2001; operative 11–9–2001. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2001, No. 41).

§ 59024. Class 2–Optional Records.

Any record worthy of further preservation but not classified as Class 1–Permanent may be classified as Class 2–Optional and shall then be retained until reclassified as Class 3–Disposable. If the chief executive officer, or other designee, determines that classification should not be made by the time specified in section 59022, all records of the prior year may be classified as Class 2–Optional, pending further review and classification within one year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59025. Class 3–Disposable Records.

All records, other than Continuing Records, not classified as Class 1–Permanent or Class 2–Optional, shall be classified as Class 3–Disposable, including, but not limited to, detail records relating to:

(a) records basic to audit, including those relating to attendance, full–time equivalent student, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, canceled checks and stubs, student body and cafeteria fund records, etc.), and detail records used in the preparation of any other report; and

(b) periodic reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of subsections (a)–(b) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59026. Retention Period.

(a) Generally, a Class 3–Disposable record, unless otherwise specified in this Subchapter, should be destroyed during the third college year after the college year in which it originated (e.g., 1993–94 plus 3 = 1996–97). Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein.

(b) With respect to records basic to an audit, a Class 3–Disposable record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code Section 84040 or of any other legally required audit, or that period specified by Section 59118, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

(c) With respect to continuing records, a continuing record shall not be destroyed until the third year after it has been classified as Class 3–Disposable.

NOTE: Authority cited: Sections 66700, 70901, 71020.5 and 84500, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Amendment filed 11–4–77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment of subsection (b) filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).
4. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of printing error in subsection (a) (Register 91, No. 43).
6. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
7. Amendment of subsection (a) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
8. Editorial correction of HISTORY 4 (Register 95, No. 29).

Article 3. Procedures for Destruction

§ 59027. Chief Administrative Officer Actions.

(a) The chief administrative officer, or the designee of that officer, shall:

(1) Personally supervise the classification of records.

(2) Mark each file or other container as to classification and the school year in which the records originated. If the records are classified as Class

3–Disposable, the chief administrative officer shall also mark the school year in which such records are to be destroyed.

(3) Supervise the destruction of records.

(b) The chief administrative officer or designee shall submit to the governing board a list of records recommended for destruction, and shall certify that no records are included in the list in conflict with these regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59028. Board Action.

The governing board shall:

(a) Approve or disapprove the recommendation of its designee.

(b) Order a reclassification when necessary or desirable.

(c) Order by action recorded in the minutes (with lists attached) the destruction of records in accordance with these regulations.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59029. Manner of Destruction.

Upon the order of the governing board that specified records shall be destroyed, such records shall be permanently destroyed by such foolproof methods as shredding, burning, or pulping; and such destruction shall be supervised by the chief executive officer or other designee.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New NOTE filed 4–27–83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59030. Certification as to Content of Records Destroyed by Calamity.

Whenever in any college year the community college register of any instructor, or other records of any district are destroyed by conflagration or public calamity, preventing the instructor and college officers from making their annual reports in the usual manner and with accuracy, affidavits of the instructor, the president, or other officers of the district, certifying as to the contents of the destroyed register or other records, shall be accepted by all college authorities for all purposes pertaining to the district, except that of calculations of full–time equivalent students (FTES).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
4. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
5. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59031. Full–time Equivalent Student Records Where Area Hit by Calamity.

Whenever the full–time equivalent student of a community college district has been materially affected in any college year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the instructor, the president, or officers of the district, shall be accepted by all college officers for all matters pertaining to the district, except that of full–time equivalent student.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59033. Attendance Accounting For Lost or Destroyed Records.

Whenever any attendance records have been lost or destroyed by conflagration or public calamity, attendance accounting related to such records shall be made in accordance with section 58031.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 59040. College Year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59041. Academic Year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Repealer filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

Subchapter 3. Audits and Reviews

§ 59100. General Authority of the Chancellor.

To provide comprehensive accountability in programs where the Chancellor's Office has regulatory or supervisory responsibility, the Chancellor is authorized as needed to have audits or reviews conducted or to investigate any audit or review citing which indicates that the allocation of state moneys or applicable federal funding may have been in error, and where necessary, to require action to resolve any substantial error as provided herein.

NOTE: Authority cited: Sections 66700, 70901, 71020.5, 84040 and 84500, Education Code. Reference: Sections 71020.5, 84040, 84040.5 and 84040.6, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9). For prior history, see Register 82, No. 31.

§ 59102. Contracting For Annual Audits.

Arrangements for annual audits for any fiscal year as required by Section 84040 of the Education Code shall be made final no later than the May 1 preceding that fiscal year.

NOTE: Authority cited: Sections 70901, 84040 and 84500, Education Code. Reference: Sections 84040, 84040.5 and 84040.6, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 59104. Review of Annual Audits.

Each district governing board shall review the annual audit prescribed pursuant to Section 84040 of the Education Code at a public meeting.

NOTE: Authority cited: Sections 66700, 70901 and 70902, Education Code. Reference: Sections 70901 and 70902, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 59106. Annual Audit Reports Due Date.

Not later than December 31st, an audit report for each district for the preceding fiscal year required by Section 84040 of the Education Code shall be filed with the Board of Governors, the Department of Finance and other regulatory agencies in accordance with Section 84040.5 of the Education Code. The Chancellor may issue guidelines for use by districts in complying with this section.

NOTE: Authority cited: Sections 70901 and 84040, Education Code. Reference: Sections 84040, 84040.5 and 84040.6, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 59108. Chancellor's Review of Audit Citings.

(a) The Chancellor shall review the reports of audits conducted pursuant to Section 84040 of the Education Code, or any other audit or review assessing district compliance with audit responsibilities.

(b) Such review shall determine whether the audit or review reports contain citings which may warrant further investigation. Further investigation is warranted when there is a significant probability that the district has either:

(1) Failed to comply with attendance accounting standards, or

(2) Violated rules and regulations defining limitations on state support, or

(3) Failed to comply with any other standard which has been monitored by means of a compliance question devised by the Chancellor's Office or the Department of Finance.

NOTE: Authority cited: Sections 66700, 70901, 71020.5, 84040 and 84500, Education Code. Reference: Sections 84040, 84040.6 and 84500, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 59110. District's Right to Respond.

Pursuant to procedures established by the Chancellor, and prior to any actions to recover funds or to mandate other corrective measures, a district shall be given the opportunity to present information which might mitigate or refute any audit citing selected by the Chancellor for further investigation.

NOTE: Authority cited: Sections 66700, 70901, 71020.5, 84040 and 84500, Education Code. Reference: Sections 84040 and 84040.6, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 59112. Audit Resolution Actions.

(a) If, upon reviewing a citing, the district's response and any other available information, the Chancellor finds that there is a need for corrective action to resolve a citing, the Chancellor may require the district to do one or more of the following:

(1) Submit a corrected apportionment attendance report,

(2) Implement procedures to ensure future compliance with the rules and regulations in question, or

(3) Report periodically to the Chancellor on the status of actions taken to comply with the rules and regulations in question.

(b) If, upon reviewing a citing, the district's response and any other available information, the Chancellor finds that there is no need for corrective action to resolve the citing, the Chancellor shall so inform the district as expeditiously as possible.

NOTE: Authority cited: Sections 66700, 70901, 71020.5, 84040 and 84500, Education Code. Reference: Sections 70901 and 84040, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment of subsection (a) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59114. Apportionment Adjustments.

The Board of Governors shall make any adjustments necessary in future apportionments of all state funds to resolve errors identified through Chancellor audits or reviews under section 59100, and/or to correct any audit exceptions revealed by audit reports filed in accordance with section 59106 or section 84040.5 of the Education Code or by Chancellor reviews under section 59108.

NOTE: Authority cited: Sections 66700, 70901, 71020.5, 84040 and 84500, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59116. Student Attendance; Accountability for Accounting and Reporting; Minor or Inadvertent Errors; Apportionment; Discrepancy.

(a) It is the intent of the Board of Governors in adopting this section that districts shall be fully accountable for the accuracy of the accounting and reporting of student attendance and shall promptly resolve inaccuracies in attendance accounting and reporting. However, it is also the intent of the Board of Governors that any minor or inadvertent errors in a district's student attendance records shall be resolved as described below.

(b) The apportionment to a district for any fiscal year following the fiscal year in which an annual or special audit or Chancellor's review finding is made, or any fiscal year following the fiscal year for which a district declares a discrepancy subsequent to the submission of the annual or recalculation apportionment attendance report, shall not be affected by the audit, review or declaration, provided all of the following conditions are met:

(1) The district has corrected the basis for the audit or Chancellor's review finding or declaration of discrepancy to the satisfaction of the Chancellor.

(2) The district has unfunded FTES that would have otherwise been fundable in the fiscal year for which the audit or Chancellor's review finding or declaration of discrepancy was made. Any such unfunded FTES can be applied as a full or partial offset to any invalidated or lost FTES. Invalid or lost FTES not offset by unfunded FTES shall result in a negative revenue adjustment in the fiscal year in which the audit, Chancellor's review, or district declaration is resolved.

(c) Any positive adjustment to a district's apportionments resulting from the implementation of this section shall not affect prior year apportionments to other districts.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment of section heading and section filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59118. Limitations on Adjustments.

(a) The district shall be held harmless against any Chancellor review or investigation, or any regular or special audit citing not resolved as provided in section 59112, within five years of the time when the final report of the review or investigation, or the citing is first presented to the governing board. Until five years has passed after the presentation of the final report of the review or investigation or the audit citing, the district shall retain all primary and support documentation which might need to be reviewed by the Chancellor to verify any district claim for State support.

(b) The five-year period described in subdivision (a) does not apply where the Chancellor finds deliberate district misrepresentations in connection with claims for state or federal funding.

NOTE: Authority cited: Sections 66700, 70901, 71020.5, 84040 and 84500, Education Code. Reference: Sections 76220 and 84040, Education Code.

HISTORY

1. New section filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
2. Amendment filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 4. Administration of Education Code 84362

§ 59200. Scope.

NOTE: Authority cited: Sections 66700, 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New chapter 4 (sections 59200-59206, not consecutive) filed 11-22-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Repealer filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59202. Delegation of Authority.

HISTORY

1. Repealer filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59204. Definitions.

For the purposes of Education Code Section 84362, the following terms shall be defined as set forth below.

(a) "Salaries of classroom instructors" as used in Education Code Section 84362 means:

(1) that portion of salaries paid for purposes of instruction of students by full-time and part-time instructors employed by the district, and

(2) all salaries paid to district classified employees who are

(A) assigned the basic title of "Instructional Aide" or other appropriate title designated by the governing board which denotes that the employees' duties include instructional tasks, and

(B) employed to assist instructors in the performance of their duties, in the supervision of students, and in the performance of instructional tasks. Instructional aides who perform instructional and noninstructional tasks shall have their salaries and benefits prorated. An employee shall be deemed to be under the supervision of an instructor for the purpose of Education Code Section 84362 if the employee performs duties under the general direction of an instructor.

In addition, salaries of classroom instructors shall include the cost of all benefits provided such instructors and instructional aides (Object of Expenditure code 3000 as defined in the California Community Colleges Budget and Accounting Manual).

(b) "Current expense of education" (CEE) shall include Object of Expenditures 1000 through 5000 for activity codes 0100 through 6700 as defined in the California Community College Budget and Accounting Manual less expenditures for activity code 64XX (Student Transportation) and less expenditures of:

(1) categorical aid received from the federal and state government requiring expenditure in a program not incurring any instructor salary expenditures;

(2) categorical aid received from the federal and state government requiring disbursement of the funds without regard to the requirement of Section 84362;

(3) funds for lease agreements for plant and equipment;

(4) funds received from the federal or state government pursuant to the "Economic Opportunity Act of 1964";

(5) state or federal funds received for grants to community college students or for the employment of community college students; and

(6) other monies received which are restricted by an external party, law or other legal requirement.

(c) "Serious hardship" shall mean conditions under which:

(1) conformance with the 50% requirement during the year of deficiency would have resulted in the district's inability to discharge financial liabilities;

(2) the first year of infusion of new moneys resulted in the district's inability to comply with the requirements of Education Code Section 84362;

(3) unanticipated, unbudgeted, and necessary expenditures resulted in the district's inability to comply with the requirements of Education Code Section 84362; or

(4) the district has expended funds pursuant to Section 59213(f).

In viewing a district's inability to discharge financial liabilities, consideration will be given to such factors as (1) the district's general fund ending balance, less noncash assets, is less than three percent (3%) of general fund expenditures (Object of Expenditure codes 1000 through 6000) for the year application for exemption is filed, or (2) the district's credit base FTES for the year for which exemption is being sought was less than 3,001. New monies shall mean monies which are allocated for transitional program improvement pursuant to Educational Code Section 84755. To the extent that such monies are built into the district's general apportionment funding in the following years, no further consideration for serious hardship will be given.

Unanticipated, unbudgeted, and necessary expenditures shall mean certifiable expenditures that the district could not have reasonably anticipated or budgeted for, and that were necessary for the district to incur. Such expenditures may include, but are not necessarily limited to, expenditures resulting from arbitration or litigation; replacement or repair of utility services; an abnormal increase in the cost of energy, insurance, or security; or a cost increase mandated by state or federal law.

In determining the impact of the infusion of new monies, the Chancellor's Office shall determine the amount of new monies pursuant to Education Code Section 84755 which were expended for salaries of classroom instructors and for the current expense of education. Following the Chancellor's determination, the percentage shall be recalculated without the effect of the expenditure of these new monies. If the district would have complied with the requirements of Education Code Section 84362 without the expenditure of new monies, a full exemption may be granted. If the district still does not comply with the requirements of Education Code Section 84362, then a partial exemption may be granted to the degree the deficiency was increased by the expenditure of these new monies.

(d) "Attendance FTES" means the units of full-time equivalent student or equivalent accrued by the district during the fiscal year as a result of the attendance of all students as reported to the Chancellor's Office on prescribed attendance reports.

(e) "Community college districts of comparable type functioning under comparable conditions" are deemed to be any which:

(1) had met the 50% salary requirement for the year in question;

(2) had CEE per attendance FTES which is within $250 of the district seeking exemption; and

(3) had attendance FTES which is within 30% of the applicant district. If Subsections (e)(2) and (e)(3) above do not yield at least 5 districts, then Subsection (e)(2) will be expanded by $50 increments and Subsection (e)(3) will be expanded by 5% increments until at least 5 districts are determined.

(f) Payment of comparable salaries of classroom instructors will be deemed to exist when a district's expenditure for salaries of classroom instructors, divided by attendance FTES, equals or exceeds the same aggregated data for districts functioning under comparable conditions.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. Amendment of subsection (a) filed 3–3–86; effective thirtieth day thereafter (Register 86, No. 10).
2. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "article" was renamed to "subarticle"; "chapter" was renamed to "article"; "division" was renamed to "chapter"; and "part" was renamed to "division".
3. Amendment of subsection (c) filed 6–5–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7–5– 90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
4. Amendment filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code, section 70901.5(b).
5. Editorial correction filed 12–3–90 (Register 91, No. 5).
6. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
7. Editorial correction of printing error in subsection (b) (Register 91, No. 43).
8. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
9. Editorial correction of HISTORY 6 (Register 95, No. 29).

§ 59206. District Application for Exemption.

(a) After the conclusion of each fiscal year, each district shall determine if 50% of its current expense of education (CEE) was expended for the payment of salaries of classroom instructors after exclusion from the numerator and denominator of amounts spent from any nonexempted deficiency from the second preceding fiscal year.

(b) In the event a district has not expended the required amount and it appears to its governing board that such expenditure would have resulted in serious hardship to the district or in the payment of excessive salaries of classroom instructors, it may apply to the Chancellor in a form and manner to be determined by the Chancellor not later than September 15 following the year of deficiency for exemption from the requirements of Education Code section 84362.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. Repealer and new section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b). For prior history, see Register 79, No. 28.
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59207. Notice to Academic Employees.

The district applying for exemption shall immediately, but not less than thirty (30) days preceding the public hearing to determine the basis on which it will apply for exemption, provide the exclusive representative of the district's academic employees and the district or college academic senate with a copy of such application.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b)
2. Amendment of section heading, text and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 59208. Consideration by District Governing Board.

(a) The governing board of the district applying for exemption shall hold a public hearing to determine the basis for the district's application for exemption. This public hearing shall be held during a meeting of the district governing board and shall be noticed as a separate item on the agenda for the meeting as required by Education Code Section 72121 except that the notice required must be given at least 30 days prior to the meeting. The governing board shall give interested parties a reasonable opportunity to be heard. The governing board shall then determine whether expenditure of the required amount would have resulted in serious hardship to the district or in the payment of salaries of classroom instructors in excess of the salaries of classroom instructors paid by other districts of comparable type and functioning under comparable conditions.

(b) The district shall then, not later than December 1, or if the Chancellor has granted the district an extension in writing, not later than December 15, transmit the findings of the governing board to the Chancellor in a form and manner to be determined by the Chancellor. The final figures used by the Chancellor's Office as the basis for determining the degree of compliance with Education Code Section 84362 shall be those submitted by the district as of December 1, or if granted an extension, December 15.

(c) Failure to comply with the provisions of this Section shall void the district's application for exemption.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b)
2. Amendment of section and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 59209. Response by Academic Employees.

Within two weeks of the public hearing or by the date the district is required to transmit its findings to the Chancellor, whichever is later, the academic employee organization(s) required to be notified pursuant to Section 59207 may submit an additional written statement opposing the application to the Chancellor and requesting a hearing by the Chancellor.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b)
2. Amendment of section heading, text and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 59210. Chancellor's Recommendation.

(a) The Chancellor shall annually determine the percentage of current expenses of education expended for salaries of classroom instructors during the preceding fiscal year for each district from information submitted on the "Annual Financial and Budget Report" (CCFS–311) and from information reported in the annual audit reports required by Education Code Section 84040.

(b) The Chancellor's Office shall analyze each application for exemption together with statements of opposition submitted by the academic employee organization(s) and the audit report submitted pursuant to Education Code Section 84040 to determine compliance with Education Code Section 84362. If requested by the exclusive representative of the district's academic employees or the district, the Chancellor or designee shall hold a hearing to collect and consider additional information.

(c) If the district filed an application for an exemption as required by these regulations, the Chancellor shall recommend one of the following actions to the Board of Governors:

(1) that the Board deny the application;

(2) that the Board grant the application; or

(3) that the Board grant the application in part.

(d) The Board of Governors shall determine whether the facts presented by the Chancellor established that application of the 50 percent salary requirement would have resulted in serious hardship or in expenditures for salaries of classroom instructors in excess of that paid by comparable districts.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b)
2. Amendment of subsections (a) and (b) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 59211. Board of Governors Action.

The Board of Governors shall, no later than March 1, receive the Chancellor's recommendations. The Board shall then deny, grant, or grant in part the district's application.

Exemption shall be granted only to the limit of the deficiency in an amount above that necessary to raise the district's expenditures for salaries of classroom instructors per attendance FTES to the levels of the average of the comparison districts or in an amount equal to that which would have been needed by the district to avoid a serious hardship.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment of section and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§ 59212. Amendments to District Applications.

(a) The Chancellor may accept amendments to the district's application for exemption if the Chancellor determines that the proposed amendments are nonsubstantive rather than substantive. Nonsubstantive amendments are only those which result from arithmetical errors and miscategorization of expenses. Such amendments must also be certified by the district's independent auditor.

(b) A district filing an amendment to its application for exemption under this section is not required to follow the procedures of section 59206. However, the district shall furnish a copy of the amendment to the faculty organization required to be notified pursuant to section 59207 at the same time the amendment is filed with Chancellor. Where a hearing of the Chancellor has been requested pursuant to section 59210, such amendment must be submitted 20 working days prior to the date of the hearing.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Change without regulatory effect amending subsection (b) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59213. Chancellor's Action.

Where a district has failed to file an application for exemption in the manner required by these regulations, or where the Board of Governors has denied any part of a district's deficient amount, the Chancellor shall designate the deficient amount or nonexempted portion thereof to be deposited in the county treasury to the credit of the district from state apportionments but unavailable for expenditure until the district has complied with the requirements of Education Code section 84362 or otherwise instructed by the Chancellor's Office. Such amount may be reduced by expenditures for salaries of classroom instructors exceeding the requirements of Eduction Code section 84362 in the two years immediately following the year of noncompliance. The Chancellor shall instruct the district to develop a plan as to how the amount of the deficiency not exempted by the Board of Governors will be expended for salaries of classroom instructors during the next fiscal year.

The governing board shall certify a plan for achieving compliance with the requirements of Education Code section 84362 with regard to the nonexempted deficiency. The plan shall specify expenditures for salaries of classroom instructors over and above the amount regularly budgeted for the year. The plan shall be submitted to the Chancellor by June 30 of the year before the nonexempted deficiency must be expended. The plan may include consideration of such factors as:

(a) salary increases for instructors (either on– or off–salary schedule);

(b) additional instructors;

(c) additional instructional aides within the definition in section 59204.

(d) conversion of part–time instructors to full–time.

(e) reassignment of qualified personnel from other activities to classroom instruction; and

(f) items other than salaries of classroom instructors, i.e. instructional materials, additional library or counseling staff, etc., with the mutual agreement of the exclusive representative of the district's academic employees or, if none exists, the district or college academic senate, where the district can document the necessity, showing adverse impact on the district if such expenditures were not allowed.

NOTE: Authority cited: Sections 70901 and 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Change without regulatory effect amending first paragraph, subsection (f) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59214. Failure to Comply.

If the district fails to comply with the requirements of Education Code section 84362 within two years following the year for which exemption is being sought, an amount equal to the nonexempt amount or the amount by which the district failed to comply with Education Code section 84362, whichever is less, shall be deducted from apportionments made to the district on a one–time basis during the third year following the year of the deficiency. The nonexempted amount shall be reduced by any amount by which the district has exceeded fifty percent (50%) of the current expense of education in the two years immediately following the year for which exemption has been sought.

NOTE: Authority cited: Sections 70901, 84362, Education Code. Reference: Section 84362, Education Code.

HISTORY

1. New section filed 9–10–90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 10–10–90 (Register 91, No. 5). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

Subchapter 4.5. Auxiliary Organizations

Article 1. Scope and Definitions

§ 59250. Scope.

(a) The governing body of a community college district may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of its college or colleges, as determined by the governing board. Such organizations shall be established and maintained in accordance with the provisions of article 6 (commencing with section 72670) of chapter 6, part 45, division 7, title 3 of the Education Code, and the regulations contained in this subchapter.

(b) Other organizations which provide supportive services and specialized programs for the general benefit of colleges, which are authorized by other provisions of law, need not be established as an auxiliary organization pursuant to this subchapter. If, however, an organization is not established as an auxiliary organization in accordance with the provisions of this subchapter, its powers and duties will continue to be defined

by the other provisions of law which provide for its establishment and operation.

(c) An auxiliary organization which was in existence on or before August 31, 1980, may continue to operate under the provisions of article 6 (commencing with section 72670) of chapter 6, part 45, division 7, title 3 of the Education Code, as it read on August 30, 1980. Such organizations, however, shall operate only in accordance with the provisions of former article 6; and shall not, unless established and maintained in accordance with the provisions of this subchapter, be vested with any additional authority or flexibility that may be provided by this subchapter and the current article 6 (commencing with section 72670) of chapter 6, part 45, division 7, title 3 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Division 7, Title 3, Education Code.

HISTORY

1. New chapter 4.5 (articles 1–3, sections 59250–59276, not consecutive) filed 5–4–81; effective thirtieth day thereafter (Register 81, No. 19).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 29).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59251. Definitions.

For the purposes of this subchapter, the following definitions shall be applied:

(a) Auxiliary organization: An "auxiliary organization" is an entity authorized by section 72670 of the Education Code which is established by the governing board in accordance with the provisions of this subchapter and Article 6 (commencing with section 72670) of chapter 6, part 45, division 7, title 3 of the Education Code.

(b) Written agreement: A "written agreement" is an agreement between a community college district and an auxiliary organization which may implement or otherwise address the requirements of subdivision (j) of section 59257 of this subchapter.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Division 7, Title 3, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 2. District Responsibilities

§ 59255. Conditions for Establishment.

The following conditions must be met before an auxiliary organization may be established by a community college district:

(a) The district's governing board must adopt implementing regulations for auxiliary organizations. Such regulations must, at least, address the subjects specified in section 59257 of this subchapter;

(b) The district's implementing regulations must be reviewed and approved by the Chancellor of the California Community Colleges;

(c) The particular auxiliary organization being established may only provide recognized services or functions as specified in section 59259;

(d) The district governing board must approve the establishment of the auxiliary organization; and

(e) The district must at such time as it recognizes an auxiliary organization, submit to the Chancellor any written agreement with an auxiliary organization, as well as the articles of incorporation, bylaws, or other governing instrument of the particular auxiliary organization.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Division 7, Title 3, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in subsection (a) (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).
4. Change without regulatory effect amending subsections (a) and (b) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59257. Implementing Regulations.

Each district governing board wishing to establish an auxiliary organization must adopt implementing regulations, and submit such regulations to the Chancellor for approval. The implementing regulations must contain provisions which address at least the following subjects:

(a) Provisions which set forth the district's method for recognizing an auxiliary organization, which procedure must include a public hearing prior to such recognition;

(b) Provisions which limit authorized auxiliary organizations to those performing recognized functions described in section 59259;

(c) Provisions which implement section 72674 of the Education Code, regarding composition and meetings of boards of directors of auxiliary organizations;

(d) Provisions which implement subdivision (a) of section 72672 of the Education Code, regarding the audit of auxiliary organizations;

(e) Provisions which implement subdivision (c) of section 72672 of Education Code, regarding salaries, working conditions, and benefits for full–time employees of auxiliary organizations;

(f) Provisions which implement section 72675 of the Education Code, regarding expenditures and fund appropriations by auxiliary organizations. In implementing subdivision (b)(2) of section 72675, the district regulations may specify different standards for different types of auxiliary organizations.

(g) Provisions which establish recordkeeping responsibilities of auxiliary organizations;

(h) Provisions which establish a procedure for periodic review of each auxiliary organization by the district to insure that it is complying with sections 72670–72682 of the Education Code, district implementing regulations, any written agreement with the district, and its articles of incorporation or bylaws; and

(i) Provisions which prohibit the district from transferring any of its funds or resources other than funds or resources derived from gifts or bequests, to any of its auxiliary organizations, when the purpose of such transfer is either to avoid laws or regulations which constrain community college districts or to provide the district with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for students with disabilities.

(j) Provisions which shall specify the following:

(1) The function or functions which the auxiliary organization is to manage, operate or administer;

(2) A statement of the reasons for administration of the functions by the auxiliary organization instead of by the college under usual district procedures;

(3) The areas of authority and responsibility of the auxiliary organization and the college;

(4) The facilities to be made available, if any, by the district to permit the auxiliary organization to perform the functions specified in the implementing regulations or written agreement;

(5) The charge or rental to be paid to the district by the auxiliary organization for any district facilities used in connection with the performance of its function. The charge or rental specified shall not require involved

methods of computation, and should be identified in sufficient time before its incurrence so that the auxiliary organization may determine to what extent it shall be liable therefor;

(6) Full reimbursement to the district for services performed by district employees under the direction of the auxiliary organization. No more than 50% of the reimbursement by an auxiliary organization may be made in the form of non-monetary benefits that the auxiliary organization provides to a community college district, such as increased community awareness or other such benefits that are agreed upon by district officials and the auxiliary organization. Such non-monetary benefits shall be assigned a good-faith reimbursement value by the district. Methods of proration where services are performed by district employees for the auxiliary organization shall be simple and equitable;

(7) A simple and stable method of determining in advance to what extent the auxiliary organization shall be liable for indirect costs relating to federally-sponsored programs;

(8) The responsibility for maintenance and payment of operating expenses;

(9) The proposed expenditures for public relations or other purposes which would serve to augment district appropriations for operation of the college. With respect to expenditures for public relations or other purposes which would serve to augment district appropriation for the college, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The governing board shall name a designee who shall file with the governing board a statement of auxiliary organizations' policies on accumulation and use of public relations funds. The statement will include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control;

(10) The disposition to be made of net earnings derived from the operation of facilities owned or leased by the auxiliary organization and provisions for reserves;

(11) The disposition to be made of net assets on cessation of the operations under the agreement; and

(12) Provisions which require a covenant of the auxiliary organization to maintain its existence throughout the period of the agreement and to operate in accordance with sections 72670–72682 of the Education Code, and with the regulations contained in this subchapter as well as district implementing regulations.

In addressing the requirements of this subdivision in its district implementing regulations, a district may provide for such requirements in a written agreement or agreements with an auxiliary organization. The agreement shall provide for all requirements of this subdivision which have not been addressed in the district implementing regulations. Notwithstanding subdivision (e) of section 59255, if the requirements of this subdivision are provided for in the written agreement rather than the district's implementing regulations, the auxiliary organization may not be recognized by the district until the agreement is submitted to the Chancellor for approval.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).
3. Amendment of subsections (c), (f), (i), (j)(6) and (j)(12) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59259. Recognized Functions.

The functions to be undertaken by auxiliary organizations are for the purpose of providing activities which are an integral part of the community college educational programs. The following supportive services and specified programs which may be developed and operated by auxiliary organizations have been determined by the Board of Governors to be appropriate:

(a) Student association or organization activities;
(b) Bookstores;
(c) Food and campus services;
(d) Student union programs;
(e) Facilities and equipment;
(f) Loans, scholarships, grants-in-aids;
(g) Workshops, conferences, institutes, and federal projects;
(h) Alumni activities;
(i) Supplementary health services;
(j) Gifts, bequests, devises, endowments and trusts; and
(k) Public relations programs.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Sections 72670 and 72672, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59263. Auxiliary Organizations in Good Standing.

(a) Each district which establishes one or more auxiliary organizations shall prepare and keep current a list of auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified by district implementing regulations, are found to be in compliance with applicable laws and regulations, shall be included on this list.

(b) When the chief executive officer or other designee of a district has reason to believe that a particular organization should be removed from this list, he or she shall give the board of directors of such organization reasonable notice that a conference will be held to determine whether grounds for removal do in fact exist, and representatives of said board shall be entitled to be present at such conference and to be heard. Based upon such conference, the chief executive officer or other designee shall recommend to the district governing board whether a particular organization should be removed from the list. The district governing board may, in its sole discretion, remove such an auxiliary organization from said list, and may make such other provisions consistent with law as may be appropriate with respect to an auxiliary organization not included on said list.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Section 72672, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59265. Ongoing Responsibilities.

Each district governing board which establishes one or more auxiliary organizations shall:

(a) Insure that an audit on each auxiliary organization is performed annually in the manner prescribed by subdivision (a) of section 72672 of the Education Code; and that a copy of said audit is submitted to the Chancellor;

(b) Submit any changes in district implementing regulations to the Chancellor for approval;

(c) Submit to the Chancellor any changes made in any written agreement, articles of incorporation, bylaws or other governing instrument pertaining to any established auxiliary organization;

(d) Periodically review each auxiliary organization for compliance with Education Code sections 72670–72682, the regulations contained in this subchapter and district implementing regulations, any written agreement, and the auxiliary organization's articles of incorporation, bylaws or other governing instrument. Such review shall be conducted in accordance with the procedure specified in the district implementing regulations;

(e) Prepare and keep current a list of auxiliary organizations in good standing in the manner provided for in section 59263. A copy of the initial list of auxiliary organizations in good standing, as well as any updated version of such list shall be forwarded to the Chancellor; and

(f) Report to the Chancellor, as may be required from time to time, on the operations of its auxiliary organizations.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Division 7, Title 3, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).
3. Change without regulatory effect amending subsection (d) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 3. Board of Governors and Chancellor's Office Responsibilities

§ 59270. Procedures for Annual Audits and Financial Reporting.

The Chancellor shall prescribe the reporting and auditing procedures for auxiliary organizations. Districts and auxiliary organizations shall apply and comply with such procedures.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with section 72670), Chapter 6, Part 45, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59272. Review of District Implementing Regulations.

The Chancellor shall review and approve or disapprove district implementing regulations no later than 60 days after receipt. Implementing regulations which satisfactorily address the minimum contents specified in section 59257 shall be approved. Implementing regulations which are disapproved shall be returned with a statement of reasons as to why they were rejected. Regulations that have not been disapproved by the Chancellor within 60 days of receipt shall be deemed to be approved until such a time as the Chancellor notifies the district that a provision of the implementing regulations must be revised and a statement of the reason for the revision.

NOTE: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59274. Retention of Documentation.

NOTE: Authority cited: Sections 71020 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Education Code.

HISTORY

1. Repealer filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59276. Annual Report to Legislature.

NOTE: Authority cited: Sections 71020 and 72672, Education Code. Reference: Section 72681, Education Code.

HISTORY

1. Repealer filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

Subchapter 5. Nondiscrimination in Programs Receiving State Financial Assistance Through the Chancellor or Board of Governors of the California Community Colleges

Article 1. General

§ 59300. Purpose.

The purpose of this subchapter is to implement the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101), to the end that no person in the State of California shall, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under any program or activity that is administered by, funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; Sections 11135–11139.5, Government Code; Sections 422.6 and 422.55, Penal Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000d, 6101 and 12100, et seq.

HISTORY

1. New Chapter 5 (Articles 1–4, Sections 59300–59362, not consecutive) filed 4–17–81; effective thirtieth day thereafter (Register 81, No. 16). For prior history, see Registers 79, No. 46; and 78, No. 39).
2. Amendment of section and NOTE filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment of section and NOTE filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59301. Prohibited Discrimination.

NOTE: Authority cited: Section 11138, Government Code; and Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

HISTORY

1. Repealer filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).

§ 59302. Academic Requirements.

Nothing in this subchapter shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

HISTORY

1. Amendment of section and NOTE filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59303. Delegation of Authority.

NOTE: Authority cited: Section 11138, Government Code; and Sections 70901 and 71090, Education Code. Reference: Sections 11135 and 11138, Government Code.

HISTORY

1. Amendment filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Repealer filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59304. Intent.

It is the intent of the Board of Governors that the Chancellor assist community college districts in recognizing and eliminating unlawful discrimination that may exist in their programs and activities and in meeting the requirements of this subchapter. Punitive action authorized by this subchapter will be taken only when remedial action has failed to eliminate unlawful discrimination from the programs and activities of a community college district.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135, 11137 and 11139, Government Code.

HISTORY

1. Amendment of section and NOTE filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59305. Operative Date.

NOTE: Authority cited: Section 11138, Government Code; and Sections 71020 and 71025, Education Code. Reference: Sections 11135 and 11138, Government Code.

HISTORY

1. Repealer filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).

§ 59306. Visitor Parking for Persons with Disabilities.

(a) Each community college district shall, consistent with the requirements of Education Code section 67301, provide visitor parking at each of its colleges or centers at no charge to persons with disabilities or to those providing transportation for such persons.

(b) For purposes of this section only, "persons with disabilities" are those who:

(1) qualify as disabled persons pursuant to section 22511.5 of the Vehicle Code; or

(2) if they were students, would be entitled to special parking provided to students with disabilities pursuant to subchapter 1 (commencing with section 56000) of chapter 7 of this division.

(c) Parking at no charge shall be available to persons with disabilities who are visitors, and to those providing transportation to such persons, in those parking facilities which are most accessible to administrative offices, libraries, and other facilities which the district finds are most used by visitors.

(d) Each community college district shall post in conspicuous places notice that parking is available without charge to persons with disabilities who are visitors and to those providing transportation for such persons.

(e) When parking provided pursuant to this section is located in an area where access is controlled by a mechanical gate, the district shall ensure that accommodations are made for persons with disabilities who are unable to operate the gate controls. Accommodations may be provided by an attendant assigned to assist in the operation of the gate or by any other effective means deemed appropriate by the district.

(f) Parking fees collected pursuant to Education Code section 76360 shall be used to offset any costs resulting from compliance with the requirements of this section.

NOTE: Authority cited: Sections 66271.1, 66700, 67301 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq., 67301, 72011 and 76360, Education Code; and Section 22511.5, Vehicle Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a)-(b)(2) and (f) and amendment of NOTE filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59307. Sexual Harassment and Sex Discrimination.

NOTE: Authority cited: Sections 232 and 70901, Education Code; and Section 11135, Government Code. Reference: Sections 200 et seq., Education Code.

HISTORY

1. New section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Repealer filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).

Article 2. Definitions

§ 59310. Incorporation by Reference.

Except as otherwise provided by this subchapter, those definitions of activities prohibited by, and persons protected by, title 22 of the California Code of Regulations (commencing with section 98100) are incorporated into and made applicable to this subchapter as if fully set forth here.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

HISTORY

1. Amendment of section and NOTE filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59311. Definitions.

For purposes of this subchapter, the following definitions shall apply:

(a) "Appeal" means a request by a complainant made in writing to a community college district governing board pursuant to section 59338 and/or to the Chancellor's Office pursuant to section 59339 to review the administrative determination of a community college district regarding a complaint of discrimination.

(b) "Complaint" means a written and signed statement meeting the requirements of section 59328 that alleges unlawful discrimination in violation of this subchapter.

(c) "Days" means calendar days.

(d) Except for purposes of section 59306, "disability" means any mental or physical disability as defined in Government Code section 12926.

(e) "Discrimination on the basis of sex" means sexual harassment or discrimination on the basis of gender.

(f) "Gender" includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(g) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; Sections 11135 and 12926, Government Code; and Sections 422.6 and 422.55, Penal Code.

HISTORY

1. New section filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6). For prior history, see Register 92, No. 17.
2. Amendment of section and NOTE filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).

3. New subsection (c) and subsection relettering filed 4–15–2002; operative 5–15–2002. Submitted to OAL for printing only (Register 2002, No. 23).
4. New subsections (f)–(g) and amendment of NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 3. District Compliance and Enforcement

§ 59320. District Responsibility.

Each community college district has primary responsibility to insure that its programs and activities are available to all persons without regard to their actual or perceived ethnic group identification, national origin, religion, age, race, sex, color, sexual orientation, ancestry, or physical or mental disability or to their association with a person or group with one or more of these actual or perceived characteristics. Therefore, each community college district shall investigate complaints of unlawful discrimination in its programs or activities, and seek to resolve those complaints in accordance with the provisions of this subchapter.

NOTE: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; Sections 11135 and 12926, Government Code; and Sections 422.6 and 422.55, Penal Code.

HISTORY

1. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59322. District Regulations.

Each community college district shall establish and adopt written policies consistent with this subchapter. When the policies are adopted or amended, they shall be submitted to the Chancellor for review and approval within 90 days of the effective date of the adoption or amendment(s).

NOTE: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

HISTORY

1. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59324. Responsible District Officer.

Each community college district shall identify to the Chancellor and to the public a single person as the district officer responsible for receiving complaints filed pursuant to section 59328 and for coordinating their investigation. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the district. Such procedures shall be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

NOTE: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

HISTORY

1. Amendment filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59326. Notice to Students and Employees.

Each community college district shall notify students and employees of the provisions of this subchapter.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Section 11135, Government Code.

HISTORY

1. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59327. Informal Resolution.

(a) Whenever any person brings charges of unlawful discrimination to the attention of the responsible district officer designated pursuant to section 59324, that officer shall:

(1) undertake efforts to informally resolve the charges;

(2) advise the complainant that he or she need not participate in informal resolution;

(3) notify the person bringing the charges of his or her right to file a complaint, as defined in section 59311, and of the procedure for filing such a complaint pursuant to section 59328;

(4) advise the complainant that he or she may file his or her nonemployment–based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction; and

(5) advise the complainant that he or she may file his or her employment–based complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of those agencies.

(b) Efforts at informal resolution pursuant to subdivision (a)(1) need not include any investigation unless the responsible district officer determines that an investigation is warranted by the seriousness of the charges.

(c) Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to section 59334 and must be completed unless the matter is informally resolved and the complainant dismisses the formal complaint or the complainant files with the DFEH and the Chancellor elects not to require further investigation pursuant to section 59328(f)(2). Any efforts at informal resolution after the filing of a written complaint shall not exceed the ninety (90) day period for rendering the administrative determination pursuant to section 59336.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. New section filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
2. Amendment of subsections (a)(3) and (c) filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
3. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
4. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59328. Formal Investigation Upon Filing of Written Complaint.

An investigation of alleged unlawful discrimination prohibited by this subchapter will be initiated by filing a complaint that meets the following requirements:

(a) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.

(b) The complaint shall be filed with the Chancellor of the California Community Colleges or with the officer designated pursuant to section 59324 by the appropriate community college district.

(c) The complaint shall be in a form prescribed by the Chancellor.

(d) In any complaint not involving employment, the complaint shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.

(e) In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

(f) In any complaint alleging discrimination in employment, the district shall:

(1) advise the complainant that he or she may file the complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of those agencies; and

(2) forward a copy of any filing by the complainant with the DFEH to the Chancellor's Office for a determination of whether the issues presented require an independent investigation of the matter under the provisions of this subchapter.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Repealer of subsection (b) and subsection relettering filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of section heading and subsection (a) filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
5. Amendment of subsection (e) filed 4–15–2002; operative 5–15–2002. Submitted to OAL for printing only (Register 2002, No. 23).
6. Change without regulatory effect amending subsections (d), (e) and (f)(1)–(2) and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59329. Complaints Filed with Chancellor.

Upon receiving a complaint filed pursuant to section 59328, the Chancellor will immediately forward a copy of the complaint to the appropriate community college district responsible officer who shall respond pursuant to section 59332 or initiate the investigation required by section 59334. In any complaint alleging employment discrimination, the Chancellor shall notify the complainant that he or she has the right to file with the Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of that agency.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of section and NOTE filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59330. Notice to Chancellor.

Immediately upon receiving a complaint filed in accordance with section 59328, the district shall forward a copy of the complaint to the Chancellor.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment of section and NOTE filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59332. Defective Complaint.

When a district receives a complaint which it finds does not meet the requirements of section 59328 the district shall immediately notify the complainant that the complaint does not meet the requirements of section 59328 and shall specify in what requirement the complaint is defective.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59333. Office for Civil Rights.

(a) Whenever a complaint is filed with the Chancellor pursuant to section 59329 and whenever the Chancellor renders a decision pursuant to article 4 (commencing with section 59350) of this subchapter, the Chancellor shall notify the complainant that he or she may file a complaint regarding the same matter with the Office For Civil Rights of the U.S. Department of Education (OCR) where the complaint is within the jurisdiction of that agency.

(b) In such cases, OCR will normally accept compliance with these regulations as satisfying the due process requirements of federal law.

(c) OCR shall have no jurisdiction to rule on any finding regarding violation of state law.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. New section filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
2. Amendment of subsection (a) filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59334. District Investigation.

Upon receiving a complaint that is properly filed in accordance with section 59328, the district will commence an impartial fact–finding investigation of that complaint and notify the complainant and Chancellor that it is doing so. The results of the investigation shall be set forth in a written report that shall include at least all of the following:

(a) a description of the circumstances giving rise to the complaint;

(b) a summary of the testimony provided by each witness, including the complainant and any viable witnesses identified by the complainant in the complaint;

(c) an analysis of any relevant data or other evidence collected during the course of the investigation;

(d) a specific finding as to whether there is probable cause to believe that discrimination occurred with respect to each allegation in the complaint; and

(e) any other information deemed appropriate by the district.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of existing paragraph and NOTE and adoption of subsections (a)–(e) filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59336. Administrative Determination.

Within ninety (90) days of receiving a complaint, the district shall complete its investigation and forward a copy of the investigative report required pursuant to section 59334 to the Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all of the following to both the complainant and the Chancellor:

(a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;

(b) a description of actions taken, if any, to prevent similar problems from occurring in the future;

(c) the proposed resolution of the complaint; and

(d) the complainant's right to appeal to the district governing board and the Chancellor pursuant to sections 59338 and 59339.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
3. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59338. Final District Decision; Appeals to Local Governing Board.

(a) If the complainant is not satisfied with the results of the administrative determination rendered pursuant to section 59336, the complainant may submit a written appeal to the district governing board within fifteen (15) days from the date of the administrative determination. The governing board shall review the original complaint, the investigative report, the administrative determination, and the appeal and issue a final district decision in the matter within forty–five (45) days after receiving the appeal.

(b) A copy of the final district decision rendered by the governing board that includes complainant's right to appeal the district's decision to the Chancellor pursuant to section 59339 shall be forwarded to the complainant and to the Chancellor.

(c) If the governing board does not act within forty–five (45) days the administrative determination shall be deemed approved and shall become the final district decision in the matter. The district shall notify the complainant and the Chancellor that the board took no action and the administrative determination is deemed approved pursuant to this section. The complainant shall also be notified of his or her right to appeal the district's decision to the Chancellor pursuant to section 59339.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section heading and section filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
3. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59339. Appeal to Chancellor.

(a) In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor within thirty (30) days from the date that the governing board issues the final district decision or permits the administrative determination to become final pursuant to section 59338. Such appeals shall be processed pursuant to the provisions of article 4 (commencing with section 59350) of this subchapter. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board and a statement under penalty of perjury that no response was received from the governing board within forty–five (45) days from that date.

(b) In any case involving employment discrimination, the complainant may, at any time before or after the final district decision is rendered, file a complaint with the Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of that agency.

NOTE: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. New section filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment of section heading and section filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Amendment of subsection (b), repealer of subsections (b)(1)–(3) and amendment of NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59340. Forward to Chancellor.

Within 150 days of receiving a complaint, the district will forward the following to the Chancellor:

(a) a copy of the final district decision rendered by the governing board or a statement indicating the date on which the administrative determination became final pursuant to section 59338(a);

(b) a copy of the notice to the complainant required pursuant to section 59338(a); and

(c) such other information as the Chancellor may require.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Repealer of subsections (a)–(c) and subsection relettering filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
3. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
4. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59342. Extensions; Failure to Comply.

(a) If a district, for reasons beyond its control, is unable to comply with the 90–day or 150–day deadline specified in sections 59336 or 59340, the district may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established pursuant to sections 59336 or 59340 and shall set forth the reasons for the request and the date by which the district expects to be able to submit the required materials.

(b) A copy of the request for an extension shall be sent to the complainant, who shall be notified that he or she may file written objections with the Chancellor within five (5) days of receipt.

(c) The Chancellor may grant the request unless delay would be prejudicial to the investigation. If the Chancellor grants an extension of the 90–day deadline, the 150–day deadline is automatically extended by an equal amount.

(d) If a district fails to comply with the requirements of sections 59336 or 59340 by the required deadline, including any extension granted pursuant to this section, the Chancellor may proceed to review the case as provided in article 4 (commencing with section 59350) of this subchapter based on the original complaint and any other relevant information then available.

NOTE: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. New section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a), (c) and (d) filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
3. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).

4. Amendment of subsection (c) filed 4–15–2002; operative 5–15–2002. Submitted to OAL for printing only (Register 2002, No. 23).
5. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 4. Chancellor's Procedure to Effect Compliance

§ 59350. Review for Reasonable Cause.

(a) The Chancellor shall review the materials submitted by the district pursuant to sections 59336 and 59340, together with the complainant's appeal, and determine whether there is reasonable cause to believe the district has violated the requirements of this subchapter.

(b) Failure by the complainant to file an appeal pursuant to section 59339 shall not preclude the Chancellor from finding reasonable cause to believe the district has violated the requirements of this subchapter.

(c) If the Chancellor finds there is no reasonable cause to believe a violation has occurred, the Chancellor shall immediately notify both the complainant and the district.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of subsections (a) and (b) and amendment of NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59351. New Issues Raised on Appeal.

If, upon review of the materials submitted by the complainant pursuant to section 59339, the Chancellor's Office finds that issues or facts not included in the complaint have been raised for the first time on appeal, the Chancellor's Office will provide the district a reasonable opportunity to respond to the new issues or facts raised by complainant.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. New section filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment of section heading and section filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59352. Investigation.

If the Chancellor finds there is reasonable cause to believe a violation has occurred, the Chancellor shall investigate to determine whether there is probable cause to believe a violation has occurred.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of NOTE filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59354. Informal Resolution.

During the course of the investigation, the Chancellor shall seek to informally resolve the alleged violation. Such resolution shall be set forth in a written conciliation agreement. A copy of the written agreement shall be sent to the complainant.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of NOTE filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59356. Formal Resolution.

Within 120 days of initiating the investigation, the Chancellor shall take one of the following actions:

(a) Notify the district and the complainant that there is probable cause to believe the district has violated the provisions of this subchapter. The Chancellor shall allow the district to acquiesce in this finding prior to filing an accusation against the district.

(b) Notify the district and the complainant that there is no probable cause to believe the district has violated the provisions of this subchapter.

NOTE: Authority cited: Sections 66271.7, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Amendment of first paragraph and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59358. Hearing.

If the Chancellor finds the district has violated the provisions of this subchapter, and if the district does not acquiesce in that finding, the Chancellor shall initiate the hearing process pursuant to chapter 5 (commencing with section 11500) of part 1, division 3, title 2 of the Government Code, to determine whether the violation did occur.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of section and NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59360. Enforcement.

(a) Upon a determination that a district has violated the provisions of this subchapter, the Chancellor shall notify the district of the action he or she will take to effect compliance. The Chancellor may use any means authorized by law to effect compliance, including:

(1) Withhold all or part of the district's state support, including state general apportionment and/or growth funding;

(2) Make eligibility for future state support, including state general apportionment and/or growth funding, and/or eligibility for grants or contracts administered by the Chancellor's Office, conditional on compliance with specified conditions;

(3) Proceed in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state funding to a district pursuant to this section shall be made until the Chancellor has determined that compliance cannot be secured by voluntary means.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135, 11136 and 11137, Government Code.

HISTORY

1. Amendment of subsections (a), (a)(2) and (b) and amendment of NOTE filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).

2. Amendment filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
3. Amendment of subsections (a)(1)–(3) and amendment of NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59362. Judicial Review.

A decision by the Chancellor pursuant to section 59360 is subject to judicial review by the district, as provided by section 1094.5 of the Code of Civil Procedure.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; and Sections 11135 and 11136, Government Code.

HISTORY

1. Amendment of section and NOTE filed 3–20–2002; operative 4–19–2002. Submitted to OAL for printing only (Register 2002, No. 13).
2. Change without regulatory effect amending NOTE filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 6. Waiver of Part–Time Instructor Limit

NOTE: Authority cited: Sections 71020 and 87613, Education Code. Reference: Section 87613, Education Code.

HISTORY

1. New Chapter 6 (Sections 59380–59388, not consecutive) filed 6–1–82; effective thirtieth day thereafter (Register 82, No. 23).
2. Repealer of Chapter 6 (Sections 59380–59388, not consecutive) filed 3–7–85; effective thirtieth day thereafter (Register 85, No. 10).

Subchapter 7. Instructional and Other Materials

§ 59400. Required Instructional and Other Materials.

(a) The governing board of a district may, consistent with the provisions of this Subchapter, require students to provide instructional and other materials required for a credit or noncredit course, provided that such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the district.

(b) Except as specifically authorized or required in the Education Code, the governing board of a community college district shall not require a student to pay a fee for any instructional and other materials required for a credit or noncredit course.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

HISTORY

1. New chapter 7 (sections 59400–59408, not consecutive) filed 5–16–85; effective thirtieth day thereafter (Register 85, No. 20).
2. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment of subsection (a) and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of HISTORY 2 (Register 95, No. 29).

§ 59402. Definitions.

For the purposes of this subchapter the following definitions apply:

(a) "Instructional and other materials" means any tangible personal property which is owned or primarily controlled by an individual student.

(b) "Required instructional and other materials" means any instructional and other materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which is necessary to achieve those required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.

(c) "Solely or exclusively available from the district" means that the material is not available except through the district, or that the district requires that the material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the district if it is provided to the student at the district's actual cost and:

(1) the material is otherwise generally available, but is provided solely or exclusively by the district for health and safety reasons; or

(2) the material is provided in lieu of other generally available but more expensive material which would otherwise be required.

(d) "Required instructional and other materials which are of continuing value outside of the classroom setting" are materials which can be taken from the classroom setting, and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.

(e) "Tangible personal property" includes electronic data that the student may access during the class and store for personal use after the class in a manner comparable to the use available during the class.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of opening statement, subsections (a) and (c)–(c)(2) and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).
4. Amendment of first paragraph and new subsection (e) filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59404. District Policies and Regulations for Instructional and Other Materials.

(a) The governing board of a community college district which requires that students provide instructional or other materials for a course shall adopt policies or regulations, consistent with the provisions of this subchapter, which specify the conditions under which such materials will be required.

(b) The policies or regulations specified in subdivision (a) shall be published in each college catalog developed after the date of adoption.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).
4. Amendment filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59406. Report to Chancellor.

The governing board of a community college district which prescribes required instructional and other materials for its courses shall respond to periodic surveys or inquiries of the Chancellor on the subject.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59406.5. Reports Re Instructional Materials Used.

Each district board shall make reports, whenever required, directly to the Board of Governors or Chancellor's Office, concerning the instructional materials used in its colleges.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 29).

§ 59408. Violations of Subchapter.

The governing board of a district which prescribes required instructional and other materials in violation of this subchapter shall be deemed to have established a student fee not expressly established by law.

NOTE: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

HISTORY

1. Amendment filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section heading, text and NOTE filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).
4. Change without regulatory effect amending section heading and section filed 3–15–2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Subchapter 7.5. Student Financial Obligations

§ 59410. Withholding Grades, Transcripts, etc., for Nonrepayment of Financial Obligations.

The governing board of a community college district may provide by appropriate rules and regulations that grades, transcripts, diplomas and registration privileges, or any combination thereof, shall be withheld from any student or former student who has been provided with written notice that he or she has failed to pay a proper financial obligation due to the district or a college. Any item or items withheld shall be released when the student satisfactorily meets the financial obligation.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. New subchapter 7.5 heading filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 29).

Subchapter 8. District Reorganization

§ 59420. Newly Formed District.

A community college district is a newly formed district up to the close of the fiscal year in which its formation became effective for all purposes.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New subchapter 8 and section filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 59422. Use of Bond Proceeds.

When the territory of a district is reorganized, any funds derived from the sale of the bonds issued by the former district shall be used for the acquisition, construction, or improvement of college property only in the territory which comprised the former district or to discharge the bonded indebtedness of the former district, except that if the bonded indebtedness is assumed by the new district, the funds may be used in any area of the new district for the purposes for which the bonds were originally voted.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Renumbering and amendment of former section 53530 to section 59422 filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

§ 59424. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

If all the territory of any reorganized district becomes part of two or more districts, and the inclusion in the two or more districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

(a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.

(b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of students shall be transferred to the district which, after the date on which the reorganization becomes effective for all purposes, maintains the college in which a student was last enrolled.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Renumbering and amendment of former section 53540 to section 59424 filed 5–15–93; operative 6–4–93 (Register 93, No. 25).

Subchapter 9. Nondiscrimination in Public Works Contracting in the California Community Colleges

§ 59500. Scope of Subchapter.

(a) The Board of Governors confirms that contracting opportunities shall not be denied because of discrimination and encourage broad opportunities for the participation of business enterprises, including minority, women, and disabled veteran business enterprise participation in the award of district contracts consistent with this subchapter for contracts for construction, public works, professional services, materials, supplies, equipment, alteration, repair, or improvement. However, each district shall have flexibility to determine how to provide inclusive opportunities for any given contract.

(b) As part of their efforts to ensure nondiscrimination in their public works contracting programs, districts may collect data concerning the participation of contractors, including minority business enterprises, women business enterprises, and disabled veteran business enterprises in the award of district contracts to verify that artificial barriers to participation on the basis of race, gender, or disability do not exist.

(c) Nothing in this subchapter authorizes any district to discriminate in awarding contracts on the basis of any characteristic protected from discrimination under subchapter 5, commencing with section 59300.

(d) Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 1, section 31 of the California Constitution or to authorize conduct that is in conflict with or is inconsistent with such provisions.

NOTE: Authority cited: Sections 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 11135 and 11139.8, Government Code.

HISTORY

1. New subchapter 9 and section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6). For prior history of former chapter 11 (sections 59500–59503), see Register 88, No. 16.
2. Editorial correction removing duplicative sections and amending HISTORY 1 (Register 98, No. 18).
3. Amendment of subchapter heading, section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59502. Definitions.

The following definitions apply for purposes of data collection:

(a) "Certification" means a process to identify the status of minority, women, and disabled veteran business enterprises and of other contractors or potential contractors.

(b) "Contract" includes any agreement or joint development agreement to provide labor, services, material, supplies, or equipment in the performance of a public works contract, franchise, concession, or lease granted, let, or awarded for and on behalf of the district. The term "contract" does not include payments to utility companies or purchases, leases or services secured through other public agencies and corporations, the Department of General Services, or the federal government pursuant to Public Contract Code sections 20652 and 20653 and Education Code section 81653;

(c) "Contractor" means any person or persons, regardless of any characteristic protected from discrimination under subchapter 5, commencing with section 59300, whether or not a minority business enterprise, women business enterprise, or disabled veteran business enterprise, who enters into a contract with a district.

(d) "Disabled veteran business enterprise" means a business enterprise certified as a disabled veteran business enterprise by the Department of General Services' Office of Small Business and Disabled Veteran Business Enterprise Services pursuant to Military and Veterans Code, section 999, or a business enterprise that certifies that it has met such standards.

(e) "District" means any community college district, board of trustees or officer, employee, or agent of such a district or board empowered to enter into contracts on behalf of the district.

(f) "MBE/WBE/DVBE" means a minority business enterprise, a women business enterprise, and/or a disabled veteran business enterprise. Although a business enterprise may qualify under multiple categories, the entry shall be designated in one specific category for the purposes of these regulations.

(g) "Minority business enterprise" means a business concern that meets all of the following criteria:

(1) The business is an individual proprietorship, partnership, corporation, or joint venture at least 51 percent owned by one or more minority, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority.

(2) A business whose management and daily operations are controlled by one or more minority who own the business.

(3) A business concern with its home office located in the United States that is not a branch or subsidiary or a foreign corporation, firm, or other business.

(h) "Women business enterprise" means a business concern that meets all of the following criteria:

(1) The business is an individual proprietorship, partnership, corporation, or joint venture at least 51 percent owned by one or more women, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more women.

(2) A business whose management and daily operations are controlled by one of more women who own the business.

(3) A business concern with its home office located in the United States that is not a branch or subsidiary or a foreign corporation, firm, or other business.

NOTE: Authority cited: Sections 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 11135 and 11139.8, Government Code.

HISTORY

1. New section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6).
2. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59504. Efforts by Districts.

Each district shall undertake appropriate efforts to provide participation opportunities in district contracts without regard to race, gender or disability or other discriminatory bases defined in section 59300. Appropriate efforts may include vendor and service contractor orientation programs related to participating in district contracts or in understanding and complying with the provisions of this subchapter, developing a listing of MBE/WBE/DVBE and other persons or enterprises that are potentially available as contractors or suppliers, or such other activities that may assist interested parties in being considered for participation in district contracts.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 11135 and 11139.8, Government Code.

HISTORY

1. New section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6).
2. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59505. Monitoring Participation.

Each district may maintain a certification process that allows it to assess the status of each of its contractors and the actual dollar amount attributable to MBE/WBE/DVBE participation and to non-MBE/WBE/DVBE enterprises in contracts described in this subchapter. Should the monitoring program indicate that disparities exist in the amount of dollars awarded through district contracts than would be expected in a contracting program that provides equal opportunity for participation, the district should assess the circumstances that may contribute to the disparity and implement methods that foster equal opportunity.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 11135 and 11139.8, Government Code.

HISTORY

1. New section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6).
2. Amendment of section heading, section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59506. Certification.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6).
2. Repealer filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59508. Enforcement of Contracts and Severability Provision.

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the subchapter which can be given effect without the invalid provision or application, and to this end, the provisions of this subchapter are severable.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 11135 and 11139.8, Government Code.

HISTORY

1. New section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6).
2. Amendment of section and NOTE filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 59509. Monitoring of Participation Goals.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code.

HISTORY

1. New section filed 12–29–93; operative 1–28–94. Submitted to OAL for printing only (Register 94, No. 6).
2. Amendment of section and NOTE filed 3–2–2005; operative 4–1–2005. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2005, No. 10).
3. Repealer filed 3–15–2006; operative 4–14–2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 7. Board of Governors of the California Maritime Academy

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Division 7. Board of Governors of the California Maritime Academy

TABLE OF CONTENTS

Page

Chapter 1. California Maritime Academy 395
Subchapter 1. Employees 395
Article 1. Organization 395
§ 60000. Staff.
§ 60001. Definitions.
§ 60002. Appointment and Duties.
§ 60003. Work Assignments.
§ 60004. Civil Service.
Article 2. Appointment, Promotion and Tenure of Non–Civil Service Employees 395
§ 60020. Appointments.
§ 60021. Qualifications of Academic Appointments.
§ 60022. Appointment Procedures.
§ 60022.1. Tenure Limitation.
§ 60022.2. Tenure Considerations upon Transfer.
§ 60022.3. Contract Continuation.
§ 60023. Promotion of Academic Employees.
Article 3. Tenure and Notice 396
§ 60030. Granting of Tenure.
§ 60031. Notice.
§ 60032. Removal of a Tenured Person.
§ 60033. Evaluation of Probationary Academic Employees.
§ 60033.1. Evaluation of Probationary Academic Employees for Determination of Tenure.
§ 60034. Granting of Contract Continuation to Academic Employees.
Article 4. Grievances 396
§ 60040. Grievance Procedure.

Page

Article 5. Discipline 396
§ 60050. Procedures.
Article 6. Resignation 396
§ 60060. Automatic Resignation.
Article 7. The California Maritime Academy—Conflict of Interest Code 396
Subchapter 2. Administration 396
Article 1. Means of Collection 396
§ 60100. Debts Owed to the California Maritime Academy.
§ 60101. Withholding of Services for Nonpayment of Debts.
Article 2. Emergency Meeting 397
§ 60110. Rules and Procedures for Emergency Meeting of the Board of Governors.
§ 60120. Debts Owed to the California Maritime Academy.
§ 60121. Withholding of Services for Nonpayment of Debts.
Article 3. Emergency Meeting 397
Subchapter 3. Student Fees 397
Article 1. Establishment and Collection of Fees 397
§ 60300. Authority of President.
Article 2. Determination of Residency 397
§ 60320. Rules.
Article 3. Refund of Fees 397
§ 60325. Conditions of Refund.

Division 7. Board of Governors of the California Maritime Academy

Chapter 1. California Maritime Academy

Subchapter 1. Employees

Article 1. Organization

§ 60000. Staff.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. New Part VII (Sections 60000–60004, 60020–60024, 60030–60032, 60040, 60050, 60110 and 60111) filed 12–21–73; effective thirtieth day thereafter (Register 73, No. 51).
2. Repealer of Part VII (Sections 60001–60004, 60020–60024, 60030–60032, 60040, 60050, 60110–60111, 60300, 60310–60311, 60320) and new Part VII (Sections 60000–60004, 60020–60023, 60030–60034, 60040, 60050, 60060, 60100, 60300, 60310–60311, 60320) filed 12–19–75; effective thirtieth day thereafter (Register 75, No. 51). For prior history, see Register 73, No. 51, Register 74, No. 39 and Register 74, No. 52.
3. Editorial correction of NOTE filed 3–30–83 (Register 83, No. 14).
4. Repealer of subchapter 1, article 1, and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60001. Definitions.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction of NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60002. Appointment and Duties.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction adding NOTE filed 3–30–83 (Register 83, No 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60003. Work Assignments.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial correction filed 3–30–83 (Register 83, No. 14).
2. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60004. Civil Service.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction adding NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 2. Appointment, Promotion and Tenure of Non–Civil Service Employees

§ 60020. Appointments.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment of subsection (a) filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction adding NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer of article 2 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60021. Qualifications of Academic Appointments.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment of subsection (a) filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction adding NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60022. Appointment Procedures.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Repealer of Section 60022, renumbering of Section 60022.1 to Section 60022 and amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction of subsections (a) and (c) filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60022.1. Tenure Limitation.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Renumbering of Section 60022.3 to Section 60022.1 and amendment filed 3–8–78; effective thirtieth day thereafter (Register 78 No. 10).
2. Editorial correction adding NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60022.2. Tenure Considerations upon Transfer.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60022.3. Contract Continuation.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Renumbering of Section 60022.4 to Section 60022.3 and amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60023. Promotion of Academic Employees.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction of subsections (c)–(e) filed 3–30–83 (Register 83, No. 14).

3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 3. Tenure and Notice

§ 60030. Granting of Tenure.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial correction adding NOTE filed 3–30–83 (Register 83, No. 14).
2. Repealer of article 3 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60031. Notice.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction adding NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60032. Removal of a Tenured Person.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial correction filed 3–30–83 (Register 83, No. 14).
2. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60033. Evaluation of Probationary Academic Employees.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60033.1. Evaluation of Probationary Academic Employees for Determination of Tenure.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. New section filed 6–22–78; effective thirtieth day thereafter (Register 78, No. 25).
2. Editorial correction of NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60034. Granting of Contract Continuation to Academic Employees.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 4. Grievances

§ 60040. Grievance Procedure.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment of subsections (a) and (c)(4) filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer of article 4 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 5. Discipline

§ 60050. Procedures.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial correction filed 3–30–83 (Register 83, No. 14).
2. Repealer of article 5 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 6. Resignation

§ 60060. Automatic Resignation.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Amendment filed 3–8–78; effective thirtieth day thereafter (Register 78, No. 10).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer of article 6 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 7. The California Maritime Academy—Conflict of Interest Code

NOTE: Authority cited: Sections 87300 and 87304, Government Code. Reference: Sections 87300 et seq., Government Code.

HISTORY

1. New Article 7 (sections 60070–60080) filed 6–22–78; effective thirtieth day thereafter. Approved by Fair Political Practices Commission April 21, 1977. (Register 78, No. 25).
2. Repealer of Article 7 (sections 60070–60080) and new Article 7 (section 60070 and Appendix) filed 2–26–81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12–1–80 (Register 81, No. 9).
3. Amendment of section 60070 filed 6–17–92; operative 8–17–92. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 4–24–92 (Register 92, No. 29).
4. Repealer of article 7 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Subchapter 2. Administration

Article 1. Means of Collection

§ 60100. Debts Owed to the California Maritime Academy.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial renumbering and correction of former Article 1 (Section 60101) to Article 3 (Section 60325) in Subchapter 3; and editorial renumbering of former Article 2 (Sections 60120 and 60121) to Article 1 (Sections 60100 and 60101) filed 3–30–83 (Register 83, No. 14).
2. Repealer of subchapter 2, article 1 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60101. Withholding of Services for Nonpayment of Debts.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial correction filed 3–30–83 (Register 83, No. 14).

2. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 2. Emergency Meeting

§ 60110. Rules and Procedures for Emergency Meeting of the Board of Governors.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70020 and 70021, Education Code.

HISTORY

1. Editorial renumbering of former Article 2 (Sections 60120 and 60121) to Article 1 (Sections 60100 and 60101) and editorial renumbering of former Article 3 (Section 60150) to Article 2 (Section 60110) filed 3–30–83 (Register 83, No. 14). For prior history, see Register 76, No. 23.
2. Repealer of article 2 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60120. Debts Owed to the California Maritime Academy.

HISTORY

1. Editorial renumbering of Section 60120 to Section 60100 filed 3–30–83 (Register 83, No. 14). For prior history, see Register 76, No. 23.
2. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

§ 60121. Withholding of Services for Nonpayment of Debts.

HISTORY

1. Editorial renumbering and correction of Section 60121 to Section 60101 filed 3–30–83 (Register 83, No. 14). For prior history see Register 76, No. 23.
2. Repealer filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 3. Emergency Meeting

NOTE: Authority cited: Sections 26051, 26052 and 26061, Education Code; Section 11125(a), Government Code. Reference: Sections 26051, 26052 and 26061, Education Code.

HISTORY

1. New Article 3 (Section 60150) filed 6–1–76; effective thirtieth day thereafter (Register 76, No. 23).
2. Editorial renumbering of Article 3 (Section 60150) to Article 2 (Section 60110) filed 3–30–83 (Register 83, No. 14).
3. Repealer of article 3 (section 60150) filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Subchapter 3. Student Fees

Article 1. Establishment and Collection of Fees

§ 60300. Authority of President.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70060, 70061, 70062, 70063, and 70065, Education Code.

HISTORY

1. Amendment filed 11–17–78; effective thirtieth day thereafter (Register 78, No. 46).
2. Editorial correction of NOTE filed 3–30–83 (Register 83, No. 14).
3. Repealer of subchapter 3, article 1 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 2. Determination of Residency

§ 60320. Rules.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70060, 70061, 70062, 70063, and 70065, Education Code.

HISTORY

1. Repealer of Article 2 (Sections 60310 and 60311) and renumbering of Article 3 (Section 60320) to Article 2 (Section 60320) filed 11–17–78; effective thirtieth day thereafter (Register 78, No. 46).
2. Editorial correction filed 3–30–83 (Register 83, No. 14).
3. Repealer of article 2 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

Article 3. Refund of Fees

§ 60325. Conditions of Refund.

NOTE: Authority cited: Sections 70010, 70020 and 70021, Education Code. Reference: Sections 70060, 70061, 70062, 70063 and 70065, Education Code.

HISTORY

1. Editorial renumbering of former Article 1 (Section 60100) of Subchapter 2 to Article 3 (Section 60325) of Subchapter 3 filed 3–30–83 (Register 83, No. 14).
2. Repealer of article 3 and section filed 6–30–95; operative 7–1–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 26).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 7.5. Private Postsecondary Education

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Division 7.5. Private Postsecondary Education

TABLE OF CONTENTS

Page

Chapter 1. Council Administration 401

Article 1. General Provisions 401

§ 70000. Definitions.
§ 70010. Application of Division.
§ 70020. Communications with Council.
§ 70030. Delegation of Functions to Director.

Chapter 2. Degree–Granting Private Postsecondary Educational Institutions 401

Article 1. General Provisions 401

§ 71000. Definitions.
§ 71005. Requirements For a "Course of Study."
§ 71010. Applicability of Chapter.
§ 71020. Vocational Diploma Programs Offered by Degree–Granting Institutions.

Article 2. Application for Approval to Operate and Offer Educational Programs 402.1

§ 71100. Application Form.
§ 71110. Institution's Name, Address, Telephone Number of Primary Administrative Office.
§ 71120. Form of Business Organization.
§ 71130. Institution Ownership and Control; Violations of Law.
§ 71140. Organization and Management.
§ 71150. Governing Board.
§ 71160. Institution Representative.
§ 71170. Mission, Purposes, and Objectives.
§ 71180. Exemplars of Student Agreements.
§ 71190. Financial Aid Students.
§ 71200. Advertising and Other Public Statements.
§ 71210. Instruction and Degrees Offered.
§ 71220. Description of Educational Service.
§ 71230. Instruction in Languages Other Than English.
§ 71240. Financial Reports.
§ 71250. Faculty.
§ 71260. Facilities and Equipment.
§ 71270. Libraries and Other Learning Resources.
§ 71280. Student Services.
§ 71290. Copy of Catalog.
§ 71300. Graduation Document.
§ 71310. Recordkeeping; Custodian of Records.
§ 71320. Self–Monitoring Procedures.
§ 71330. Operational Plan.
§ 71340. Additional Information.
§ 71350. Unavailable Information.
§ 71360. Approval for a Particular Educational Program or Degree Title.
§ 71370. Certification of Compliance.
§ 71380. Signatures and Certification.

Article 3. Processing of Applications for Approval ..... 402.4(c)

Page

§ 71400. Processing of Completed Applications.
§ 71405. Change in Circumstance Affecting Application Information.
§ 71410. Right to an Administrative Hearing.
§ 71415. Length of Approval to Operate.

Article 3.5. Applications from Institutions Operating on December 31, 1990 ..... 402.4(d)

§ 71420. Applications from Institutions Operating on December 31, 1990.

Article 4. Visiting Committees ..... 402.4(d)(1)

§ 71450. Impaneling of Visiting Committees.
§ 71455. Challenge to the Visiting Committee.
§ 71460. Duties of the Visiting Committee.
§ 71465. Visiting Committee Report.
§ 71470. Institution Cooperation with Visiting Committee.
§ 71475. Reimbursement of Site Visit Expenses.

Article 5. Emerging Fields of Study and Innovative Methods of Instruction ..... 402.4(f)

§ 71490. Emerging Fields of Study.
§ 71495. Innovative or Unique Methods of Instruction.

Article 6. Change in the Location of Instruction ..... 402.4(g)

§ 71500. Application to Change Location Required.
§ 71505. Contents of Application for Change in Location.
§ 71510. Notice to Students of Change in Location.
§ 71515. Council Approval.
§ 71520. Emergency Application for Change in Location.

Article 7. Addition of a Location ..... 402.4(h)

§ 71550. Application for Addition of Location.
§ 71555. Contents of the Application.
§ 71560. Processing of Application.
§ 71565. Decision on the Application.

Article 8. Change of Mission, Purposes, or Objectives or Primary Method of Instruction ..... 402.4(i)

§ 71600. Application for Change.
§ 71605. Contents of Application.
§ 71610. Processing of Application.
§ 71615. Decision on the Application.

Article 9. Change of Institutional Name ..... 402.4(j)

§ 71630. Process for Change of Name.

Article 10. Requirements for Branch and Satellite Locations ..... 402.4(k)

§ 71650. Branch Locations.
§ 71655. Satellite Locations.

Page

Article 11. Institutional Operating Standards ..... 402.4(k)
§ 71700. Applicability of Standards.
§ 71705. Mission, Purposes, and Objectives.
§ 71710. Curriculum.
§ 71715. Instruction.
§ 71720. Faculty.
§ 71725. Ownership and Management.
§ 71730. Administration.
§ 71735. Facilities.
§ 71740. Library and Other Learning Resources.
§ 71745. Financial Resources.

Article 12. Admissions and Academic Achievement Standards ..... 402.4(n)
§ 71770. Statement of Admissions Policy.
§ 71775. Standards for Student Academic Achievement.

Article 13. Contract, Refund, and Catalog Requirements ..... 402.4(o)
§ 71800. Enrollment Agreement and Charges.
§ 71805. Refunds.
§ 71810. Catalog.

Article 14. Special Provisions Regarding Correspondence Instruction ..... 402.4(p)
§ 71830. Degree Programs by Correspondence Instruction.

Article 15. Undergraduate Degree Programs ..... 402.4(p)
§ 71850. General Provisions.
§ 71855. Associate Degrees.
§ 71860. Bachelor's Degree.

Article 16. Graduate Degrees ..... 402.4(q)
§ 71865. General Provisions.
§ 71870. Master's Degrees.
§ 71875. Professional Doctoral Degree.
§ 71880. Doctorate Degrees.
§ 71885. Doctoral Committees.

Article 17. Prior Experiential Learning ..... 402.4(s)
§ 71890. Credit for Prior Experiential Learning.

Article 18. Reports ..... 402.4(s)
§ 71900. Annual Report.
§ 71905. Financial Reports.

Article 19. Maintenance and Production of Records ..... 402.4(t)
§ 71910. Permits.
§ 71920. Student Records.
§ 71930. Maintenance of Records.

Chapter 3. Regionally Accredited Out–of–State Degree–Granting Private Postsecondary Educational Institutions ..... 402.4(u)

Article 1. General Provisions ..... 402.4(u)
§ 72000. Definitions.
§ 72005. Requirements for a Course of Study.
§ 72010. Applicability of Chapter.
§ 72020. Vocational Diploma Programs Offered by Degree–Granting Institutions.

Page

Article 2. Application for Approval to Operate and Offer Educational Programs ..... 402.4(v)(1)
§ 72101. Application Procedures.
§ 72105. Application Form.
§ 72110. Institution's Name, Address, Telephone Number of Primary Administrative Office.
§ 72120. Form of Business Organization.
§ 72130. Institution Ownership and Control; Violations of Law.
§ 72140. Organization and Management.
§ 72150. Governing Board.
§ 72160. Institution Representative.
§ 72170. Mission, Purposes, and Objectives.
§ 72180. Exemplars of Student Agreements.
§ 72190. Financial Aid Students.
§ 72200. Advertising and Other Public Statements.
§ 72210. Instruction and Degrees Offered.
§ 72220. Description of Educational Service.
§ 72230. Instruction in Languages Other Than English.
§ 72240. Financial Reports.
§ 72250. Faculty.
§ 72260. Facilities and Equipment.
§ 72270. Libraries and Other Learning Resources.
§ 72280. Student Services.
§ 72290. Copy of Catalog.
§ 72300. Graduation Document.
§ 72310. Recordkeeping; Custodian of Records.
§ 72330. Operational Plan.
§ 72340. Additional Information.
§ 72360. Approval for a Particular Educational Program or Degree Title.
§ 72380. Signatures and Certification.
§ 72400. Processing of Completed Applications.
§ 72405. Change in Circumstance Affecting Application Information.
§ 72410. Right to an Administrative Hearing.
§ 72415. Length of Approval to Operate.
§ 72420. Applications from Institutions Operating on December 31, 1990.

Article 3. Visiting Committees ..... 402.4(v)(5)
§ 72450. Visiting Committees.
§ 72455. Challenge to the Visiting Committee.
§ 72460. Duties of the Visiting Committee.
§ 72465. Visiting Committee Report.
§ 72470. Institution Cooperation with Visiting Committee.

Article 4. Change and Addition of Location and Change of Name ..... 402.4(v)(6)
§ 72500. Application to Change Location Required.
§ 72505. Contents of Application for Change in Location.
§ 72515. Council Approval.
§ 72520. Emergency Application for Change in Location.
§ 72550. Application for Addition of Location.
§ 72555. Contents of the Application.
§ 72560. Processing of Application.
§ 72565. Decision on the Application.
§ 72570. Change of Institutional Name.

Article 5. Change of Mission, Purpose and Objectives ..... 402.4(v)(8)

Page

§ 72600. Application for Change.
§ 72605. Contents of Application.
§ 72610. Processing of Application.
§ 72615. Decision on the Application.

Article 6. Requirements for Branch and Satellite Locations ..... 402.4(v)(8)
§ 72650. Branch Locations.
§ 72655. Satellite Locations.

Article 7. Institutional Operational Standards ..... 402.4(v)(9)
§ 72700. Operational Standards.
§ 72701. Applicability of Standards.
§ 72705. Mission, Purposes, and Objectives.
§ 72710. Curriculum.
§ 72715. Instruction.
§ 72720. Faculty.
§ 72725. Ownership and Management.
§ 72730. Administration.
§ 72735. Facilities.
§ 72740. Library and Other Learning Resources.
§ 72745. Financial Resources.

Article 8. Admissions and Academic Achievement Standards ..... 402.4(v)(11)
§ 72770. Statement of Admissions Policy.
§ 72775. Standards for Student Academic Achievement.

Article 9. Contract, Refund, and Catalog Requirements ..... 402.4(v)(11)
§ 72800. Enrollment Agreement and Charges.
§ 72805. Refunds.
§ 72810. Catalog.

Article 10. Special Provisions Regarding Correspondence Instruction ..... 402.4(v)(12)
§ 72830. Degree Programs by Correspondence Instruction.

Article 11. Undergraduate Degree Programs ..... 402.4(v)(12)
§ 72850. General Provisions.
§ 72855. Associate Degrees.
§ 72860. Bachelor's Degree.

Article 12. Graduate Programs ..... 402.4(v)(13)
§ 72865. General Provisions.
§ 72870. Master's Degrees.
§ 72875. Professional Doctoral Degree.
§ 72880. Doctorate Degrees.
§ 72885. Doctoral Committees.

Article 13. Prior Experiential Learning ..... 402.4(v)(14)
§ 72890. Credit for Prior Experiential Learning.

Article 14. Reports ..... 402.4(v)(14)
§ 72900. Annual Report.
§ 72905. Financial Reports.

Article 15. Maintenance and Production of Records ..... 402.4(v)(15)
§ 72910. Records.
§ 72915. Permits.
§ 72920. Student Records.
§ 72930. Maintenance of Records.

Page

Chapter 4. Vocational and Non–Degree Granting Schools ..... 402.4(v)(16)

Article 1. General Provisions ..... 402.4(v)(16)
§ 73000. Definitions and References.
§ 73010. Applicability of Chapter.

Article 2. Application for Approval to Operate ..... 402.4(v)(16)
§ 73100. Application Form.
§ 73110. Institution's Name, Address, Telephone Number of Primary Administrative Office.
§ 73120. Form of Business Organization.
§ 73130. Institution Ownership and Control; Violations of Law.
§ 73140. Organization and Management.
§ 73150. Governing Board.
§ 73160. Student Progress, Review, and Notification.
§ 73165. Institution Representative.
§ 73170. Exemplars of Student Agreements; Written Disclosures.
§ 73180. Financial Aid Students.
§ 73190. Advertising and Other Public Statements.
§ 73200. Instruction Offered.
§ 73210. Description of Educational Service.
§ 73220. Minimum Level of Education.
§ 73230. Instruction in Languages Other Than English.
§ 73240. Instruction to Non–English Speaking Students.
§ 73260. Financial Reports.
§ 73270. Instructors.
§ 73280. Facilities and Equipment.
§ 73290. Libraries.
§ 73300. Student Services.
§ 73310. Recordkeeping; Custodian of Records.
§ 73320. Copy of Catalog.
§ 73330. Job Placement Assistance.
§ 73340. Self–Monitoring Procedures.
§ 73350. Claim of Exemption.
§ 73360. Entrance Tests.
§ 73380. Operational Plan.
§ 73390. Additional Information.
§ 73400. Unavailable Information.
§ 73410. Approval for A Particular Educational Service, Course, or Program.
§ 73420. Student Records.
§ 73430. Certification of Compliance.
§ 73440. Signatures and Certification.
§ 73470. FAA Certified Flight Schools.
§ 73480. Truck Driving Schools.

Article 3. Processing of Applications for Approval 402.11
§ 73500. Processing Time for Completed Applications.
§ 73520. Change in Circumstance Affecting Application Information.
§ 73530. Priority of Review.
§ 73540. Length of Approval to Operate.

Article 4. Change of Institutional Name 402.11
§ 73550. Application for Approval to Change Name.
§ 73560. Contents of Application.
§ 73570. Approval of Name Change.
§ 73580. Payment of Fees, Costs, and Expenses.
§ 73590. Notice of Denial; Right to Hearing.

Page

Article 5. Change in the Location of Instruction 402.12
§ 73600. Application to Change Location Required.
§ 73610. Contents of Application for Change in Location.
§ 73620. Notice to Students of Change in Location.
§ 73630. Approval to Change Location Pursuant to Section 94873(h)(2) of the Code.
§ 73640. Bureau Approval.
§ 73650. Emergency Application for Change in Location.

Article 6. Certificate of Authorization for Service 402.13
§ 73660. Application for Certificate of Authorization; Applicability.
§ 73670. Contents of Application.
§ 73680. Bureau Review and Decision.
§ 73690. Instructional Staff Vacancies.

Article 7. Institutional Operating Standards 402.14
§ 73700. Quality of Instruction; Educational Objectives.
§ 73710. Physical Facilities, Equipment, and Materials.
§ 73720. Instructors.
§ 73730. Financial Aid Director and Officers.
§ 73740. Officers, Directors, Owners.

Article 8. General Provisions Regarding Institutional Operations 402.15
§ 73750. Catalog Requirements.
§ 73760. Cosmetology School Catalog Requirements.
§ 73765. Monitoring Student Progress.
§ 73770. Student Complaint Procedures.
§ 73780. Documents of Completion.
§ 73790. Disclosures; Performance Standards.

Article 9. Additional Requirements for Institutions Subject to Article 7 ..... 402.17
§ 73800. Refunds under Section 94870 of the Code.
§ 73820. English–As–A–Second Language ("ESL") Instruction; Independent Test Administration for ESL Programs.
§ 73830. Definitions.
§ 73831. Minimum Test Scores.
§ 73832. Recognition of Tests.

Article 10. Reports 402.18
§ 73850. Annual Report.
§ 73860. Financial Reports.

Article 11. Maintenance and Production of Records 402.19
§ 73870. Logs.
§ 73880. Course Syllabus.
§ 73890. Permits.
§ 73900. Student Records.
§ 73910. Maintenance of Records.

Chapter 5. Provisions Applicable to All Approved Postsecondary Institutions 402.20

Article 1. Fees and Payment Schedule ... 402.20
§ 74000. Fees and Penalties.

Page

§ 74002. Definitions and References.
§ 74004. Fee Schedule.
§ 74006. Annual Fee.
§ 74008. Fees Payable by Institutions in Connection with Approval Under Sections 94900, 94901, and 94905 of the Code.
§ 74010. Fees Payable by Institutions in Connection with Approval Under Section 94915 of the Code.
§ 74012. Short Course Institutions.
§ 74014. Institutions Subject to Section 94931(c)(3) of the Code.
§ 74015. Fee Schedule Required by Section 94932(c) of the Education Code.
§ 74016. Agents and Agencies.
§ 74018. Certificates of Authorization.

Article 2. Change of Ownership or Control 402.21
§ 74020. Definitions.
§ 74030. Application for Change of Ownership.
§ 74040. Completion of Application.
§ 74050. Processing Time.

Article 3. Probation 402.22
§ 74100. Probation.

Article 4. General Provisions 402.23
§ 74120. Substantial Relationship Criteria.
§ 74130. Criteria for Rehabilitation.
§ 74140. Retention of Advertising.
§ 74150. Use of Term "University."
§ 74160. Surrender of Approval.
§ 74170. Stipulations.
§ 74180. Abandonment of Application.
§ 74190. Agents for Service of Process: Changes.
§ 74200. Cessation of Educational Service.

Article 5. Provisions Governing Temporary Approvals to Operate 402.25
§ 74300. Duration of Temporary Approvals.
§ 74310. Temporary Approval Notice.
§ 74320. Temporary Approval Notice for Media.

Chapter 6. Agents and Agencies 402.25

Article 1. Agents 402.25
§ 75000. Agent's Permits Required.
§ 75020. Application for Agent's Permit.
§ 75030. Complete Application; Bureau's Decision.
§ 75040. Term of Permit.

Article 2. Agencies 402.26
§ 75100. Agency Authorization Required.
§ 75110. Application for Agency Authorization.
§ 75120. Complete Application; Bureau's Decision.
§ 75130. Term of Permit.

Chapter 7. Student Tuition Recovery Fund 402.26

Article 1. General Provisions 402.26
§ 76000. Definitions.
§ 76010. Teach–Out Plan.

Article 2. Assessment 402.27
§ 76100. Institutions Subject to Assessment.
§ 76110. Assessment Base.
§ 76120. Amount of Assessment.
§ 76130. Due Date of Assessments and STRF Assessment Reporting Forms.

Article 3. Payments from the Fund 402.28

Page

§ 76200. Application for Payment.
§ 76210. Payment of Claims.
§ 76215. Student Tuition Recovery Fund Disclosures.

Article 4. Special Assessments 402.29
§ 76220. Applicability.
§ 76230. Definitions.
§ 76240. Method for Calculating a Special Assessment.

Chapter 8. Registered Educational Services and Programs 402.29

Article 1. Definitions 402.29
§ 77000. General Applicability of Statutory Definitions.
§ 77002. Act.
§ 77003. Article 8.
§ 77004. Article 9.
§ 77005. Article 9.5.
§ 77006. Article 10.
§ 77007. Article 11.
§ 77008. Article 12.
§ 77009. Article 13.
§ 77010. Bureau.
§ 77011. Chapter.
§ 77012. Chief Executive Officer.
§ 77014. Code.
§ 77018. Director of an Institution.
§ 77020. Division.
§ 77022. Educational Service or Educational Program.
§ 77024. Institution.
§ 77028. Permit.
§ 77030. Registered Educational Service.

Article 2. Purpose and Scope of Chapter ..... 402.30(a)
§ 77060. Purpose of Chapter.
§ 77070. Educational Services Which Qualify for Registration.
§ 77080. Degree and Non-Degree Institutions that Offer Educational Services or Programs Subject to Registration.
§ 77090. General Prohibition Against Operating Without Registration.

Article 3. Initial and Re-Registration, Annual Fees, and Report Requirements ..... 402.30(a)
§ 77100. Permit Processing Times.
§ 77102. Initial Registration and Re-Registration.
§ 77107. Initial Registration and Re-Registration Application Form.
§ 77110. Change in Circumstances Affecting Application Information.
§ 77115. Abandonment of Application for Registration or Re-Registration.
§ 77120. Action by Bureau upon Receipt of Complete Application.
§ 77125. Reimbursement of Site Visit Expenses.
§ 77130. Annual Fees and Reporting Information.
§ 77135. Issuance of Evidence of Registration.
§ 77140. Timely Submission of Application for Re-Registration.
§ 77145. Records Retention.

Article 4. Notification of Changes or Amendments to Registration 402.31

Page

§ 77150. Change in Registration—Notification Required.
§ 77152. Change in Registration—Application for Amended Registration Required.
§ 77154. Changes in Educational Services or Programs Provided by Institutions Approved to Operate.
§ 77157. Availability of Application for Amended Registration.
§ 77160. Application for Amended Registration Time Frames.
§ 77165. Evidence of Issuance of Amended Registration.

Article 5. General Provisions 402.31
§ 77200. Minimum Operation Requirements.
§ 77210. Inspection of Records—Additional Information.
§ 77220. Student Records.
§ 77240. Fees.
§ 77260. Timely Filing of Applications, Fees, Documentation, and Information.
§ 77280. Public Disclosures.

Article 6. Intensive English Language Program Definition and Requirements 402.32
§ 77300. Intensive English Language Program Defined.
§ 77310. Intensive English Language Program Registration and Annual Report.
§ 77320. Intensive English Language Program General Requirements.
§ 77330. Intensive English Language Program Student Disclosures.
§ 77340. Intensive English Language Program Student Contracts.
§ 77350. Restrictions on Intensive English Language Programs.
§ 77360. Intensive English Language Program Student Withdrawal Rights and Refunds.
§ 77390. Intensive English Language Program Fees.

Article 7. Short-Term Career Training Definition and Requirements 402.32
§ 77400. Short-Term Career Training Defined.
§ 77410. Short-Term Career Training Registration and Annual Report.
§ 77420. Short-Term Career Training General Requirements.
§ 77430. Short-Term Career Training Student Disclosures.
§ 77440. Short-Term Career Training Student Contracts.
§ 77445. Restrictions on Short-Term Career Training.
§ 77450. Short-Term Career Training Student Withdrawal Rights and Refunds.
§ 77490. Short-Term Career Training Fees.

Article 8. Short-Term Seminar Training Definition and Requirements 402.33
§ 77500. Short-Term Seminar Training Defined.
§ 77510. Short-Term Seminar Training Registration and Annual Report.
§ 77520. Short-Term Seminar Training General Requirements.

Page

§ 77530. Short–Term Seminar Training Student Disclosures.
§ 77540. Short–Term Seminar Training Student Contracts.
§ 77545. Restrictions on Short–Term Seminar Training.
§ 77550. Short–Term Seminar Training Student Withdrawal Rights and Refunds.
§ 77590. Short–Term Seminar Training Fees.

Article 9. License Examination Preparation Definition and Requirements 402.34
§ 77600. License Examination Preparation Defined.
§ 77610. License Examination Preparation Registration and Annual Report.
§ 77620. License Examination Preparation General Requirements.
§ 77630. License Examination Preparation Student Disclosures.
§ 77640. License Examination Preparation Student Contracts.
§ 77645. Restrictions on License Examination Preparation.
§ 77650. License Examination Correspondence or Distance Learning Institutions.
§ 77660. License Examination Preparation Student Withdrawal Rights and Refunds.
§ 77690. License Examination Preparation Fees.

Article 10. Continuing Education Definition and Requirements 402.34
§ 77700. Continuing Education Program Defined.
§ 77710. Continuing Education Program Registration and Annual Report.
§ 77720. Continuing Education Program General Requirements.
§ 77730. Continuing Education Program Student Disclosures.
§ 77740. Continuing Education Program Student Contracts.
§ 77745. Restrictions on Continuing Education Programs.
§ 77750. Continuing Education Program Student Withdrawal Rights and Refunds.
§ 77790. Continuing Education Program Fees.

Article 12. Tuition Refunds 402.35
§ 77840. Calculation of Refunds Upon Withdrawal From Multiple Educational Programs.

Article 13. Grounds for Denial, Complaint Investigations, Revocation, and Hearing Procedures and Remedies 402.35
§ 77845. Prohibitions.
§ 77850. Grounds for Denial and Revocation of Application for Registration.
§ 77865. Complaints.
§ 77870. Surrender of Registered Status.
§ 77875. Failure of Institution Offering Short–Term Career Training to Comply with Applicable Financial Standards.
§ 77880. Right to an Administrative Hearing.

Division 7.5. Private Postsecondary Education

Chapter 1. Council Administration

Article 1. General Provisions

§ 70000. Definitions.

(a) "Act" means The Private Postsecondary and Vocational Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code, including Article 2.5.

(b) "Code" means the Education Code.

(c) "Council" means the Council on Private Postsecondary and Vocational Education.

(d) "Director" means the director appointed by the Council.

(e) "Instructor" means a person who is responsible to conduct one or more classes or components of an institution's educational service.

(f) "Avocational Education" means education offered only for purposes of personal entertainment, personal pleasure or enjoyment such as a hobby. Education that directly leads to an objective other than personal entertainment, personal pleasure or enjoyment is not "education solely avocational in nature." Examples of education that is not "education solely avocational in nature" include, but are not limited to, education that in any manner does any of the following:

(1) Enables a student to qualify for any immigration status, for which an institution is permitted to issue a Certificate of Eligibility for Nonimmigrant Student Status by the United States Immigration and Naturalization Service.

(2) Facilitates the development of learning skills or language proficiency to assist a student to (A) prepare for taking the Test of English as a Foreign Language (TOEFL), (B) enter, study, or complete any educational program offered by an American college or university, or (C) enhance language skills for any business or occupational purpose.

(3) Assists a student to prepare for a test administered in conjunction with any undergraduate or graduate educational program.

(4) Is an educational service offered to lead to any employment in any occupation or job title.

(5) Is represented to enable a student to use already existing knowledge, training, or skills in the pursuit of an occupation or to develop new or enhance existing knowledge, training, or skills in connection with any occupation or job title.

(g) "Recreational Education" is a subcategory of "Avocational Education" as this term is defined in subsection (f). Education which is not "solely avocational in nature" would also not be "solely recreational in nature" as well. "Recreational Education" means education offered for purposes of play, amusement or relaxation. It would also mean education offered for the purpose of teaching fundamentals, skills or techniques of sports or games. For instance, classes in ballroom dancing or golf would be considered "solely recreational in nature" under this definition. They, of course, would also meet the definition of "Avocational Education" in subsection (f) as well.

NOTE: Authority cited: Sections 94755 and 94978, Education Code. Reference: Sections 94700, 94722, 94733, 94740, 94750, 94753.5, 94761, 94764, 94781, 94791, 94823 and 94843, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. New subsections (f)–(f)(5) and amendment of NOTE filed 7–3–96 as an emergency; operative 7–3–96 (Register 96, No. 27). A Certificate of Compliance must be transmitted to OAL by 12–30–96 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of HISTORY 3 (Register 97, No. 14).
5. Reinstatement of section as it existed prior to 7–3–96 emergency amendment by operation of Government Code section 11346.1(f); operative 12–31–96 (Register 97, No. 14).
6. New subsections (f)–(f)(5) and (g) and amendment of NOTE filed 4–4–97; operative 5–4–97 (Register 97, No. 14).

§ 70010. Application of Division.

This division applies to all institutions and persons subject to the provisions of the Act.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302, 94311 and 94316.2, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).

§ 70020. Communications with Council.

All correspondence relating to the activities of the Council and all applications, renewals, and remittances, shall be directed to the Council's principal office located in Sacramento, California.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94306, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).

§ 70030. Delegation of Functions to Director.

The power and discretion conferred by law on the Council to monitor and investigate institutions or to initiate, review, or prosecute any action to approve, condition, restrict, suspend, deny, or revoke any approval, certificate, permit, right, or privilege under the Code of this division are delegated to the director or, in the director's absence, to the director's designee.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94304, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).

Chapter 2. Degree–Granting Private Postsecondary Educational Institutions

Article 1. General Provisions

§ 71000. Definitions.

(a) The definitions contained in Section 94302 of the Code apply to this chapter.

(b) "Academic Freedom" describes conditions at an institution where scholars and teachers are allowed latitude with respect to their discussions with students and the positions they take. Under such a policy, a faculty member can articulate or even advocate positions or concepts which may be controversial in nature without fear of retribution or reprisal. Since the degree of Academic Freedom permitted will frequently depend heavily on the nature of the institution and its purposes, it is important for each institution to articulate its own policies pursuant to Section 71720(i).

(c) "Chapter" means Chapter 2 of Division 7.5 of Title 5 of the California Code of Regulations.

(d) "Chief academic officer" means the person primarily responsible for the administration of an institution's academic affairs including the supervision of faculty, development of educational programs and curric-

ula, and implementation of the institution's mission, purposes and objectives.

(e) "Chief executive officer" means the person primarily responsible for the overall administration of an institution, including the supervision of the chief academic officer and the chief operating officer. The chief executive officer is often, but need not be, called the "president."

(f) "Chief operating officer" means the person primarily responsible for the administration of an institution's business operations, including finances, management, personnel, and contracting for goods, services, or property.

(g) "Credential" means publicly demonstrated skills and experiences whose achievement has been recognized by an official credential or award given by a professional association. This recognition can also be achieved if there is a general acceptance and recognition by members of the profession or industry in the field in which the person will teach.

(h) "Curriculum" means an organized set of courses or discrete modules of learning which are prerequisite to the award of a degree or diploma.

(i) "Degree program" means a curriculum leading to the award of an academic degree that is prescribed for students who must demonstrate achievement of satisfactory learning outcomes established by the institution to earn the academic degree.

(j) "Degree title" is synonymous with the same term used in Education Code Section 94302(o).

(k) "Duly qualified faculty" or "faculty member" means a person who satisfies all of the following:

(1) The person possesses one of the following:

(A) A degree from an institution previously approved or authorized by the Superintendent of Public Instruction, or approved by the Council, a public or private institution of higher learning accredited by an association recognized by the United States Department of Education, or a foreign or other state approved institution of higher learning if the institution employing the faculty member documents that the foreign or other state approved institution at which the faculty member earned his or her degree offers degree programs equivalent to degree programs that are approved by the Council or that are regionally accredited.

(B) A credential generally recognized in the field of instruction.

(2) The degree, professional license, or credential possessed by the person shall be at least equivalent to the level of instruction being taught or evaluated.

(3) The person has entered an agreement with the institutions whereby the person is obliged to conduct one or more of the courses in the institution's curriculum, advise and consult with individual students, or facilitate and evaluate student learning outcomes and progress.

(*l*) "Educational program" is any progressive or planned system of training, instruction or study and includes two broad categories which are termed (1) degree programs and (2) non–degree programs.

(m) "Emerging new fields of study" means a subject area that is not generally recognized by colleges and universities and by the Council, at the time of the Council's evaluation of the field, as a discipline for degree study in higher education.

(n) "Fees" means any charges to students for goods and services, including equipment, supplies and the use of learning resources, provided by the institution that are not included in the tuition. Fees do not include the cost of textbooks or memorabilia or other purchased items not required for the course of study.

(o) "Innovative method of instruction" or "unique method of instruction" means a new method of instruction, not previously generally recognized by accredited and approved degree granting institutions, as a reasonable approach to teaching a specific curriculum.

(p) "Mission" means an institution's stated educational reasons to exist. The mission shall have all of the following characteristics:

(1) The mission shall include the institution's broad expectations concerning the education which students will receive, including the acquisition of the body of knowledge presented in the educational program, the development of intellectual, analytical, and critical abilities, and the fostering of values such as a commitment to pursue lifelong learning;

(2) The mission shall relate to the educational expectations of the institution's students and faculty and the community which the institution serves.

(q) "Objectives" are methods by which the institution transforms its mission into measurable student learning outcomes.

(r) "Prior experiential learning" or "college level learning experience" means learning of a postsecondary nature as documented learning from a related profession, college level equivalent tests, military training or other college level equivalent experience.

(s) "Purposes" or "goals" means the methods or educational emphases chosen by an institution to fulfill its mission. The institution's purposes relate to why the institution was founded, its particular point of view, its unique or special character, and its relationship to the community it serves.

(t) "Quarter" means at least 10 weeks of instruction or its equivalent as described in subdivision (u)(2).

(u) "Quarter unit" means either of the following:

(1) At least ten (10) hours of college or university level instruction during a quarter plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

(v) "Semester" means at least 15 weeks of instruction or its equivalent as described in subdivision (w)(2).

(w) "Semester unit" means either of the following:

(1) At least fifteen (15) hours of college or university level instruction during a semester plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

(x) "Tuition" means the cost for instruction normally charged on a per unit or per hour basis. It does not include itemized fees or the cost of textbooks, supplies, transportation, or equipment.

(y) "Unit" or "unit of credit" means a measure of college or university level instruction that is evaluated by duly qualified faculty.

(z) "Vocational diploma program" means an educational program having all of the following characteristics:

(1) The educational program consists of a job training program or other instruction, training, or education that the institution represents will fit or prepare students for employment in any occupation.

(2) The institution offers the educational program to students who do not possess a bachelor's or graduate degree in the field of training.

(3) The institution confers a diploma on students who complete all or a portion of the educational program.

(aa) "Academic year" for a residential program means a term consisting of 30 weeks of instruction and testing which may be divided into shorter terms such as semester, quarters or trimesters. For a correspondence program, "academic year" means the completion of 24 semester units or the equivalent in other units of credit.

(bb) "Full–time Study" means a student is enrolled at the undergraduate for 12 or more semester units of credit (or the equivalent in other units of credit) or is enrolled at the graduate equivalent in other units of credit of courses ranked as graduate level).

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94316, Education Code.

HISTORY

1. New chapter 2 (articles 1–18, sections 71000–71930, nonconsecutive) filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New chapter 2 and section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71005. Requirements For a "Course of Study."

(1) The material is designed or organized by duly qualified faculty.

(2) The material is presented in a logically organized manner or sequence to students.

(3) The institution establishes specific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material.

(4) The learning outcomes are evaluated by duly qualified faculty.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94316, Education Code.

HISTORY

1. New section filed 4–19–94; operative 4–19–94 (Register 94, No. 16).

§ 71010. Applicability of Chapter.

(a) Unless otherwise expressly stated, this chapter applies to the following:

(1) Except as provided in subdivision (b), institutions required to obtain the Council's approval to operate pursuant to Section 94310 of the Code and this chapter, and;

(2) Owners, corporate directors or members of the governing board, officers, including the chief academic officer and executive officer, and faculty teaching at the institutions subject to the provisions of this chapter.

(b) This chapter does not apply to institutions eligible to obtain the Council's approval to operate pursuant to Section 94310(i) of the Code, or to their owners, corporate directors, governing board members, officers, chief academic officers, and faculty, except to the extent provisions of this chapter are expressly made applicable by Chapter 3 (commencing with Section 72000) of Division 7.5 of Title 5 of the California Code of Regulations.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305, 94310 and 94337, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71020. Vocational Diploma Programs Offered by Degree–Granting Institutions.

Vocational diploma programs offered by an institution approved under Section 94310 of the Code shall be subject to (a) Article 2.5, as defined in Section 73000(c), unless the institution or the program is exempt from Article 2.5 pursuant to Section 94316.1 of the Code and (b) Sections 73210, 73700, 73710, 73720, and 73730 of Chapter 4 of this division.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94316, 94316.05 and 94316.1, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 2. Application for Approval to Operate and Offer Educational Programs

§ 71100. Application Form.

(a) Applicants seeking approval to operate pursuant to Section 94310 of the Code, other than Section 94310(i) of the Code, shall complete the "Application for Approval to Provide Educational Services under Education Code Section 94310", Form Application 94310, (rev. 4/93) As used in this article, "application" and "form" mean Form Application 94310.

(b) Applicants seeking approval to offer any additional degree or diploma programs (i.e. any "educational program") or additional degree titles shall complete the application described in subdivision (a) as provided in Section 71360. No person shall offer additional degree or non–vocational diploma programs or additional degree title without first applying for, and obtaining, the Council's approval as provided in this chapter.

(c) Applicants shall submit the form, supporting or additional documentation, and the appropriate application fee, as provided in section 74000 of this chapter, to the Council for Private Post–Secondary and Vocational Education.

(d) The Council shall charge twenty–five dollars ($25) per application form.

(e) At the time of the submission of a completed application, an institution shall receive an application fee credit of twenty–five dollars ($25) for each complete application submitted.

(f) The application shall contain all of the information required by this article.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94330, 94331 and 94331.5, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by

5–16–94 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71110. Institution's Name, Address, Telephone Number of Primary Administrative Office.

An institution shall provide the following information on the application form:

(a) The name of the institution.

(b) The address of the institution's primary administrative location in California identified by street address. The institution's primary administrative location in California shall be deemed the institution's principal place of business.

(c) The mailing address of the institution, identified either by street address or by post office box number.

(d) The street address of each campus, branch, or satellite at which the educational programs will be offered, including the identification of the institution's main location and branch locations.

(e) The name, address, and phone number of an individual who will function as the institution's contact person for the purposes of the application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94315 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71120. Form of Business Organization.

The institution shall specify the form of business organization of the institution (e.g., sole proprietorship, general or limited partnership, for–profit corporation, or nonprofit corporation). If the institution is incorporated, the institution shall also identify the state within which the institution is incorporated and the date of incorporation.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302, 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71130. Institution Ownership and Control; Violations of Law.

(a)(1) The institution shall identify the name, address and telephone number of each owner of the institution and, to the extent applicable, each general partner, officer, corporate director, corporate member and any other person who exercises substantial control over the institution's management or policies. For the purpose of this paragraph, a person exercises "substantial control over the institution's management or policies" if the person has the authority to cause the institution to expend money or incur debt in the amount of five thousand dollars ($5,000) or more in any year.

(2) The institution may indicate the address, telephone number, of each person described in paragraph (1) on a separate page which may be filed in a sealed envelope with the application. The Council shall not disclose the information except to entities authorized to inspect records under Section 71930 of this chapter or as may be required by any law or by subpoena or court order.

(b) The institution shall describe the nature and percentage of the ownership interest and any other financial involvement in the institution of any person identified in subdivision (a).

(c) The institution shall provide a statement identifying any person identified in subdivision (a) who —

(1) Was found in any judicial or administrative proceeding to have violated the Act or the law of any other state related to untrue or misleading advertising, the solicitation of prospective students for enrollment in an educational service, or the operation of a postsecondary school;

(2) Was the subject of any of the grounds for denial set forth in Section 480 of the Business and Professions Code;

(3) Was subject to a finding, as described in Section 94330(k)(4) of the Code, in any judicial or administrative proceeding; or

(4) Has stipulated to a judgment or administrative order or entered a consent decree involving any of the matters described in this section.

(d) The institution shall furnish an explanation of any legal action pending against the institution or ownership or any of the institution's owners, officers, corporate directors, administrators, or instructors by any federal, state, or local law enforcement agency involving alleged acts of fraud, dishonesty, financial mismanagement, unpaid liabilities to any governmental agency or claims for pecuniary loss suffered by any student.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code; and Section 480, Business and Professions Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71140. Organization and Management.

(a) The institution shall include in its application an organization chart that shows the governance and administrative structure of the institution and the relationship between faculty and administrative positions.

(b) The institution shall provide a description of the job duties and responsibilities of each administrative and faculty position.

(c) The institution shall identify the chief executive officer, chief operating officer, and chief academic officer and describe their education, experience, and qualifications to perform their duties and responsibilities.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71150. Governing Board.

If the institution has a governing board, the application shall include the name, work address, and telephone number of each member of the governing board.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71160. Institution Representative.

The application shall contain the name, work address, and telephone number of the person with whom the Council will correspond and conduct legal transactions on behalf of the institution.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71170. Mission, Purposes, and Objectives.

The institution shall describe in detail its mission, purposes, and objectives.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71180. Exemplars of Student Agreements.

The institution shall include, with its application, exemplars of all student enrollment agreements and instruments of indebtedness.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71190. Financial Aid Students.

If an institution receives financial aid because its students qualify for it under any state or federal financial aid program, it shall provide a statement of its policies, practices, and disclosures regarding financial aid.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312.2, 94343.5 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71200. Advertising and Other Public Statements.

(a) The institution shall include in its application copies of advertising and other statements disseminated to the public in any manner by the institution or its representatives that concern, describe, or represent each of the following:

(1) The institution.

(2) The branch campus for which approval is sought, if applicable.

(3) Each educational service offered by the institution.

(b) If the application is for approval to offer a particular educational service, degree title, or degree program, the information required by sub-

paragraph (3) of this section shall relate to that particular educational program, degree title, or degree program.

(c) If advertising is broadcast by television or radio, the application shall also include a copy of the script.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94312, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (b) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71210. Instruction and Degrees Offered.

(a) The institution shall identify and describe the educational program it offers, or proposes to offer. If the educational program is a degree program, the institution shall identify the full title which it will place on each degree awarded.

(b) In addition to the general title, such as "Bachelor of Arts" or "Master of Science", each degree title shall include the name of a specific major field of learning involved.

(c) In addition, the institution shall list the following for each educational program offered:

(1) The admissions requirements, including minimum levels of prior education, preparation, or training;

(2) The types and amount of general education required;

(3) The title of the educational programs and other components of instruction offered, including a description of the level of the courses (e.g., below college level, undergraduate level, graduate level);

(4) The mode of instruction;

(5) The graduation requirements.

(6) Whether the program is designed to fit or prepare students for employment in any occupation.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71220. Description of Educational Service.

The application shall contain the following for each educational program that the institution offers or proposes to offer:

(a) A description of the educational program.

(b) A description of the equipment to be used during the educational program.

(c) A description of the number and qualifications of the faculty needed to teach the educational program.

(d) A projection, and the bases for the projection, of the number of students that the institution plans to enroll in the educational program during each of the three years following the date the application was submitted.

(e) A description of the learning, skills, and other competencies to be acquired by students who complete the educational program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94312, 94320 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71230. Instruction in Languages Other Than English.

If the institution offers an educational program in a language other than English, the application shall contain a description of all of the following for each educational program.

(a) The number of students grouped by the language in which they are fluent.

(b) The language in which the educational program will be offered to each language group of students.

(c) The number of faculty who will teach each language group of students and the faculty's qualifications to teach in that language.

(d) The language of the textbooks and other written materials to be used by each language group of students.

NOTE: Authority cited: Section 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (b) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71240. Financial Reports.

(a) If an institution is not operating in California at the time it applies for approval to operate, the institution shall submit a financial report, including reviewed financial statements.

(b) If an institution is operating in California at the time it applies for approval to operate for itself or for a branch campus or for approval to offer additional programs or degree titles, the institution shall submit a copy of the most recent financial report it was required to submit by the Act or this chapter and a detailed description of any material changes in any of the information contained in that financial report or a statement indicating that there are no material changes.

(c) Each financial report shall comply with Section 71905 of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94311.4, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71250. Faculty.

(a) The application shall contain the name of each full–time and part–time faculty member.

(b) The application shall include a detailed description of all of the following for each faculty member:

(1) Educational background, including earned degrees, the names of the institutions awarding the degrees, and the dates the degrees were conferred.

(2) Fields of specialization.

(3) Teaching, research and, administrative experience.

(4) Teaching assignments for the current year.

(5) Other duties assigned for the current year.

(c) The institution shall describe the faculty's role in curriculum development.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71260. Facilities and Equipment.

(a) For each program offered, the application shall contain a description of the facilities and the equipment which is available for use by students at the main, branch, and satellite locations of the institution.

(b) For facilities that are leased or rented, the application shall contain the name and address of the lessor or landlord, together with a copy of any use, lease, or rental agreements for the facilities.

(c) The description of the physical facilities shall include building diagrams or campus maps to assist the Council in locating these facilities. The diagrams or maps shall identify the location of classrooms, laboratories, workshops, and libraries.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94430, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71270. Libraries and Other Learning Resources.

The application shall include a description of library holdings, services, and other learning resources, including policies and procedures for supplying them to students who do not receive classroom instruction. The description need not consist of a list of each holding. The description shall include an explanation of how the library and other learning resources are sufficient to support the instructional needs of students and, if no facilities exist at the institution, how and when students may obtain access to a library and other learning resources.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71280. Student Services.

The application shall include a description of student services, if any, including provisions for academic counseling and textbook purchases.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71290. Copy of Catalog.

The application shall include a copy of the institution's catalog, including addenda reflecting newly approved educational services, in published or proposed–to–be–published form. The catalog shall meet the requirements of the Act and of Section 71810 of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92

or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71300. Graduation Document.

Each institution shall submit a copy of the document awarded to graduating students upon their successful completion of the educational program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71310. Recordkeeping; Custodian of Records.

(a) The application shall contain a description of how records required by the Act or this chapter are or will be organized and maintained, the types of documents contained in student files, how the records are stored, and whether academic and financial records are maintained in separate files. The description shall include a statement of the institution's procedures for security and safekeeping of records.

(b) The description shall include the name, work address and telephone number of the custodian of records, and the address and telephone number of the office where the records will be maintained.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (b) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71320. Self-Monitoring Procedures.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 94, No. 16).

§ 71330. Operational Plan.

(a) If an institution, or the branch for which an institution seeks approval, is not operating in California, the institution shall file an operational plan with its application.

(b) The operational plan shall include all of the following items:

(1) A description of how the background and experiences of the owners or the board of directors will help the venture to succeed.

(2) A detailed time line for implementation of the plan, the approximate date for the Council's on–site review and the target date for initial enrollment.

(3) An outline of the procedure for monitoring the budget, enrollment projections, outcomes, and adherence to the operational plan during the start–up phase.

(4) A list of operational goals and milestones for the first three years of operation.

(5) A financial analysis for the first three years outlining the sources of revenue, assumptions underlying the revenue, and capital. The financial analysis shall include a projection of expenses including: all personnel costs, instructional costs other than personnel, student services expenses, library/learning center resources, advertising and marketing expenditures, travel, plant operations, debt service, and capital investments.

(6) A projected enrollment for each educational program by year for the first three years of operations.

(7) A detailed outline for the addition of teaching personnel during the first three years.

(8) If the operational plan calls for physical plant expansion during the initial three years of the business, the expansion plan.

(c) The operational plan shall include a financial report as provided in Section 71240 of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94311.4 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsections (b)(1)–(2) and (c) and filed 4–19–94 (Register 94, No. 16).

§ 71340. Additional Information.

(a) The institution shall include in the application any material facts which have not otherwise been disclosed in the application that might reasonably affect the Council's decision to grant an approval to operate. In this context, a fact would be "material" if it would change the Council's decision concerning the institution's ability to comply with any applicable provisions of the Postsecondary Act.

(b) The institution may also include in the application any other facts which the institution would like the Council to consider in deciding whether to grant an approval to operate.

(c) For the purposes of this section, a fact is "material" if, without its inclusion into the application, the information contained in the application would be false, misleading, or incomplete.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311, 94311.4 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71350. Unavailable Information.

If an institution is unable to provide the information required by this article solely because it, or the branch campus for which the application is filed, has not yet operated in California, the institution shall so indicate on the application form.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.

§ 71360. Approval for a Particular Educational Program or Degree Title.

If an institution is applying for approval to offer a particular degree or diploma program or a degree title that (1) had not been offered at the time the institution applied for approval to operate or (2) had not been offered at the campus at which the institution proposes to offer it, all of the following shall apply:

(1) The institution shall supply information required by Sections 71200 through 71300, inclusive. Except for the required financial information, the information shall pertain to the proposed degree or non–vocational diploma program or degree title.

(2) The institution shall supply information required by Sections 71110 through 71190, 71310, and 71320 only if the information contained in the institution's most recently filed application for approval is no longer accurate.

(3) The institution shall comply with Sections 71340, 71350, and 71380.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71370. Certification of Compliance.

The application shall contain a statement that the person or persons who sign the application certify to the best of their knowledge that the institution and each signatory comply with all applicable laws regarding the operation of the institution.

NOTE: Authority cited: Sections 94310, 94312, 94321 and 94330, Education Code. Reference: Sections 94310, 94312, 94321 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.

§ 71380. Signatures and Certification.

(a) The application shall be signed, and each fact stated therein shall be declared to be true under penalty of perjury, as follows:

(1) By each owner of the institution, or

(2) If the institution is incorporated, by the chief executive officer of the corporation and each owner of 10 percent or more of the stock, if any, or

(3) By each member of the governing body of a nonprofit corporation.

(b) The declaration shall be in the following form:

"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ _____

(Date) (Signature)"

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 2015.5, Code of Civil Procedure; Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 3. Processing of Applications for Approval

§ 71400. Processing of Completed Applications.

(a) Action by the Council pursuant to Education Code section 94310 shall not commence until a completed application for approval to operate has been submitted to the Council for its review.

(b) Within 30 days after receipt of an application for approval to operate as required by Article 2 of this chapter, the Council shall notify the

institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Council shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Council shall consider an application to be complete if it appears that the institution has submitted all of the information, documents, and fees required by the Act and by Article 2 of this chapter. This includes any additional documents the Council may request to determine if the institution's operational plan and its proposed implementation meets the minimum standards of Sections 94310(a) and 94310(b) of the Education Code.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (c) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71405. Change in Circumstance Affecting Application Information.

(a) If, after the submission of an application but prior to the Council's decision to approve or deny an approval to operate, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Council in writing.

(b) For the purposes of this section, a change in circumstance is "material" if, without the inclusion of the new or different information into the application, the information contained in or the supporting documentation to the application would be false, misleading, or incomplete.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (b) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71410. Right to an Administrative Hearing.

Any institution who receives a notice from the Council stating that its application is incomplete has a right to appeal this action by requesting a hearing. Hearings are to be conducted pursuant to Education Code Section 94330(*l*) and Government Code Section 11500 et seq.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94330(*l*), Education Code.

HISTORY

1. New section filed 4–19–94; operative 4–19–94 (Register 94, No. 16).
2. Editorial correction of NOTE (Register 97, No. 14).

§ 71415. Length of Approval to Operate.

The Council shall set the expiration date of an approval to operate for an institution and its branch locations at 120 days after the close of the institution's fiscal year or other reasonable date, but in no event shall an approval to operate be valid for more than five years after the date of issuance.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 3.5. Applications from Institutions Operating on December 31, 1990

§ 71420. Applications from Institutions Operating on December 31, 1990.

(a) This article applies to institutions that (1) operated on December 31, 1990 under a license, approval, candidate for approval status, or authorization issued by the Superintendent of Public Instruction pursuant to Sections 94310.1, 94310.2, 94310.3, or 94310.4 of the Code then in effect and (2) continued to operate after December 31, 1990 under an extension of an approval to operate or candidate for approval status provided in Section 94310(g) or Section 94310(h) of the Code.

(b) No later than 120 days before the expiration of an institution's approval to operate, or candidate for approval status, provided under Section 94310(g) or Section 94310(h) of the Code, an institution seeking a new approval to operate shall submit a complete application and fees as required by the Act and this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 4. Visiting Committees

§ 71450. Impaneling of Visiting Committees.

(a) A visiting committee shall make a comprehensive, qualitative on-site review of each institution that applies for an approval to operate within 90 days of the Council's receipt of a complete application unless the Director and the institution's chief executive officer agree to a later date.

(b) The visiting committee shall be appointed by the Director or his/her designee.

(c) An institution seeking the impaneling of a special visiting committee to review the institution's offer of instruction in an emerging field of study, or the offer of instruction through innovative methods of instruction, shall make special application to the director as provided in Section 71490 or Section 71495, whichever is applicable.

(d) The visiting committee shall include educators trained in the academic disciplines of educational programs offered by the institution, and any other person with expertise in the areas listed in Section 94310(b) of the Code, from degree-granting institutions legally operating in this state whom the Director or his/her designee deems necessary to provide a comprehensive, qualitative review. The Director or his/her designee shall appoint a chair of the visiting committee. In addition, the Director or his/her designee may impanel a special committee consisting of one or more technically qualified people to assist the visiting committee in the evaluation of the application and the institution.

(e) The Director or his/her designee shall appoint a member of the Council's staff to serve as the visiting committee's liaison. The staff member shall prepare, with the cooperation of the visiting committee's members, the visiting committee's evaluation report and recommendations.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 8-17-92 as an emergency; operative 8-17-92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12-15-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-17-92 order transmitted to OAL on 2-3-93; disapproved by OAL on 3-24-93 (Register 93, No. 14).
3. New section refiled 4-12-93 as an emergency; operative 4-12-93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8-10-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-12-93 order transmitted to OAL on 10-6-93; disapproved by OAL on 11-22-93 (Register 93, No. 49).
5. New section refiled 11-17-93 as an emergency; operative 11-17-93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5-16-94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-17-93 order transmitted to OAL with amendments 3-11-94 and filed 4-19-94 (Register 94, No. 16).

§ 71455. Challenge to the Visiting Committee.

(a) The institution being evaluated shall be notified of the identity of the members of the visiting committee at least 45 days before the visit. The notice shall also include a description of the institution's right to object to a committee member and the procedure for objection as provided in this section.

(b) If the institution objects to the inclusion of any person in the visiting committee, the institution may file a written objection with the Director at least 10 days before the visiting committee is originally scheduled to conduct its onsite inspection.

[The next page is 402.4(e).]

(c) An institution has a right to seek the disqualification of a visiting committee member before the occurrence of the onsite inspection on any of the following grounds:

(1) The committee member has inadequate academic or experiential qualification.

(2) The committee member or his or her family has a financial interest in, or is employed by, a competing institution which offers or proposes to offer any of the educational programs offered or proposed to be offered by the applicant institution.

(3) The committee member is biased. In order to establish that a committee member is biased, the institution must document by written evidence that the member is predisposed to give an unfavorable recommendation.

(d) An institution seeking to disqualify a visiting committee member shall submit copies of all evidence and argument on which it relies when the written objection is filed.

(e) All evidence and argument shall be considered by the Director. The Director shall make the final decision on the composition of the visiting committee before the onsite inspection occurs. There shall be no oral hearing or review of this decision. However, if the Director rejects the objection, the institution may raise the grounds for disqualification in any administrative proceeding that may be held after the inspection occurs.

(f) If an institution has grounds under subdivision (c) to object to the impaneling of a committee member before the occurrence of the onsite inspection and fails to timely object, the institution permanently waives the right to challenge the visiting committee's composition or report on those grounds.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71460. Duties of the Visiting Committee.

(a) The visiting committee shall conduct a comprehensive, qualitative onsite inspection and review of all aspects of the institution's operations to evaluate the institution's efforts to implement its mission, purpose, and objectives and to determine whether the institution complies with the applicable requirements of the Act and this chapter.

(b) The visiting committee's inspection and review may include the examination of documents and records, the inspection of facilities and equipment, the auditing of classes, and the interview of current or former owners, directors, officers, administrators, faculty, and students.

(c) The visiting committee shall cooperate with the Council staff liaison in the preparation of a written evaluation report as described in Section 71465.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (a) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71465. Visiting Committee Report.

(a) The visiting committee report shall contain all of the following:

(1) The committee's findings regarding the institution's compliance with the Act and this chapter and facts supporting those findings.

(2) The committee's assessment of the quality of each educational program offered by the institution and facts supporting the assessment.

(3) The committee's assessment of the quality of the institution as a whole and facts supporting the assessment.

(4) The committee's recommendations for quality improvement based on its findings and assessment in the event the Council determines to grant an approval to operate.

(b) A report shall be prepared and submitted to the institution prior to the Council receiving the report and the recommendations. The institution shall have an opportunity to review the visiting committee report and respond to Council staff within fifteen (15) days of the institution's receipt of such report as to errors of fact or erroneous findings based on errors of fact. The Director or his/her designee will review the report and will submit to the Council the visiting committee's report and Council staff's recommendations along with the institution's comments.

(c) Except as provided in subdivision (d), the Council shall accept the visiting committee's report as its basis for taking appropriate action.

(d) The Council shall not be bound by any of the following:

(1) Any facts adduced by the visiting committee that are based on inaccurate or unreliable evidence or that are inconsistent with other facts found by the Council.

(2) The findings or assessment made by the visiting committee if the findings or assessments are not supported by the facts or the facts support different findings or assessments that may be reasonably made by the Council.

(3) The visiting committee's recommendations. Any actions taken which do not follow these recommendations must have some reasonable basis in fact or law.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71470. Institution Cooperation with Visiting Committee.

(a) The institution shall make available for inspection by the visiting committee all records which the visiting committee reasonably deems necessary or appropriate to inspect to determine whether the institution meets the standards of the Act and this chapter. Only those records necessary to establish compliance with the provisions of this Chapter or the Private Postsecondary and Vocational Education Reform Act of 1989 (Ed. Code § 94300 et seq.) are required to be produced under this Section.

(b) The institution shall facilitate the visiting committee's onsite inspection including the inspection of records, inspection of facilities and equipment, observation of class sessions, or interviews with officers, administrators, faculty, or students.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71475. Reimbursement of Site Visit Expenses.

(a) The institution shall reimburse the Council for expenses incurred by the visiting committee, except for Council staff, conducting the onsite visit at rates not to exceed those used by the State for reimbursing State employees on work travel assignment.

(b) No later than 30 days before the visit, the Director shall submit to the institution an estimated cost of the visit. The institution shall pay all of the estimated cost 15 days before the visit. If the deposit is not received by the deadline, the Director may cancel the visit and require that the institution submit a new application and application fee.

(c)(1) Within 15 days following the conclusion of the visit to the institution and all sites scheduled to be visited, the Director shall provide the institution with a statement of the actual expenses of the visit.

(2) If the deposit was greater than the expenses incurred for the visit, the Council shall remit the excess within 30 days following the visit.

(3) If the costs exceeded the amount of the deposit, the institution shall remit the balance within 30 days after receiving the statement of expenses. The time period within which the Council is required to act on the application shall be tolled until the balance is received by the Council. If the balance is not received by the deadline, the Director may require that the institution submit a new application and application fee.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.

Article 5. Emerging Fields of Study and Innovative Methods of Instruction

§ 71490. Emerging Fields of Study.

(a) If an institution applying for approval under Article 2 of this chapter seeks Council approval to offer instruction but not a degree in an emerging new field of study, the institution shall submit written documentation establishing that the field of study is based on new or unique applications of information derived from established principles, theories, and bodies of knowledge from disciplines generally recognized in higher education. The Council recognizes that new or unique applications of information may be stimulated by a variety of sources including new social and economic trends.

(b)(1) If an institution seeks approval to award a degree in an emerging field of study, the institution shall comply with subdivision (a) and submit to the Council documentation, including research, publications, written curriculum, and course materials, establishing to the reasonable satisfaction of the Council and a special committee appointed by the director that the emerging field of study should be recognized as a discipline for degree study in higher education.

(2) The special committee shall consist of a team of professional educators in disciplines related to the emerging new field who are affiliated with accredited or Council–approved degree granting institutions.

(c) If the institution establishes that the subject matter area is appropriate for instruction or instruction leading to a degree, the Director shall include on the visiting committee professional educators with expertise, as described in subdivision (b)(2), to evaluate the institution's proposed offer of instruction or a degree program in the emerging new field of study.

(d) If the Council grants approval to the institution to offer instruction but not a degree in an emerging field of study, the institution shall disclose in its catalog and a separate written notice provided to students before enrollment that the educational service in the emerging new field is not approved for degree study and units of credit earned upon completion of the educational service will have limited, if any, transferability, to other institutions because of the nature of the nature of the emerging subject matter.

(e) If the Council grants approval to the institution to award degrees in the emerging new field, the approval shall not exceed three years.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).
7. Editorial correction of article heading (Register 97, No. 46).

§ 71495. Innovative or Unique Methods of Instruction.

(a) If an institution proposes to use innovative or unique methods of instruction in degree programs, the institution shall demonstrate to the reasonable satisfaction of the Council and a special committee appointed by the director that the proposed method —

(1) Has demonstrable value as a method of delivering concepts and information;

(2) Is equal or superior to the examples of methods of instruction identified in Section 71715(c)(2) and (c)(3);

(3) Leads to the measurable learning outcomes stated by the institution; and

(4) Is explained to the students prior to their enrolling in the course in which the method will be used.

(b) If the institution demonstrates that the proposed method of instruction satisfies subdivision (a), the director shall include in the visiting committee professional educators who are knowledgeable about instructional methodologies to evaluate the proposed method and the institution's implementation of it.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 6. Change in the Location of Instruction

§ 71500. Application to Change Location Required.

(a) An institution shall apply in writing to the Council for an approval to change the location of its main campus or the location of a branch campus. The application fees required under Title 5 of the California Code of Regulations, Section 74008(h) or 74008(i) shall be submitted at least 60 days prior to the proposed date of the change in location unless the change is necessitated by an emergency, as set forth in Section 71520 of this chapter.

(b) The Council shall inform an institution in writing within 10 days of receipt of an application for a change in the location of instruction that the application is complete and accepted for filing, or that the application is deficient and what information is required.

(c) An application shall be considered complete if it contains the information required by Section 71505 and is submitted with required fees.

(d) Nothing in this article shall prevent the Council from requesting that the institution provide information, documents, or other evidence in order for the Council to determine whether the new facilities of the institution are sufficient to ensure its capability of fulfilling its program or programs for enrolled students, are appropriate for the defined educational and are sufficient to ensure quality educational programs to the students as provided in Section 94310(a)(w) and (4).

(e) The review of the request and the decision of the Council shall be made within 30 days of receipt of a complete application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312, 94320 and 94330(k)(13), Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsections (a) and (d) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71505. Contents of Application for Change in Location.

(a) The application for a change in location shall be made in writing and shall contain, at a minimum, the following information:

(1) The name, current and proposed addresses, and telephone number of the institution;

(2) A description of the proposed physical facilities;

(3) A description of any equipment to be used at the proposed facilities that is different from the equipment used at the present facility;

(4) A statement, together with an explanation, if there will be any faculty teaching at the proposed facilities who are not currently teaching at the present facilities;

(5) The date on which the institution intends to offer instruction at the new location;

(6) The distance between the approved location and the proposed new location;

(7) The reason for the move;

(8) A description of the actions taken to notify students;

(9) A statement that the person (or persons) whose signature(s) appear(s) upon the application certify(ies) to the best of his/her knowledge that the institution and each signatory comply with all applicable law regarding the operation of an institution;

(10) A statement that the institution has informed students of the change as provided in Section 71510.

(b) The application for a change in location shall be signed under penalty of perjury.

(c) The application shall be made on a completed form entitled "Change of Location of Instruction" (DEGREE–GRANTING INSTITUTIONS, DOCS/REV. LOC 1/92.)

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with new subsection (c) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71510. Notice to Students of Change in Location.

(a) An institution shall notify students in writing that it intends to move the location of class instruction. Notice may be any method of delivery enumerated in Code of Civil Procedure Section 1005(b) or by personal delivery.

(b) If the institution proposes to move before it enrolls a student, it shall notify the student of the proposed move before the student enrolls. In all other circumstances, the institution shall notify students no later than the time the institution applies for approval to change location.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (a) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71515. Council Approval.

The Council shall grant the approval within 30 days of its receipt of a complete application if the Council determines that the move would not affect the institution's compliance with the Act and this chapter and would not be unfair or unduly burdensome to students. If the Council denies the application, the institution has a right to appeal this decision by requesting a hearing pursuant to Education Code Section 94330(*l*) and Government Code Section 11500 et seq.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71520. Emergency Application for Change in Location.

(a) An institution may submit a written application for a change in location necessitated by an emergency affecting the health or safety of students or personnel using the institution's facilities. The emergency application shall contain the reasons why an immediate change in the location of instruction is necessary. The application shall be made on a completed form entitled "Change of Location of Instruction" (DEGREE–GRANTING INSTITUTIONS, DOCS/REV. LOC 1/92.)

(b) Within three days of receipt of an emergency application for approval to change location, the Council shall inform the institution in writing if the application is complete and accepted for filing, or that the application is deficient and what information is required.

(c) The Council shall approve an application for an emergency change in location within 10 days of receipt of a complete application if the Council determines all of the following:

(1) There exists health or safety perils which necessitate the immediate change in location of the institution's main campus or a branch campus.

(2) The move would not affect the institution's compliance with the Act and this chapter.

(3) The move would not be unfair or unduly burdensome to students.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 7. Addition of a Location

§ 71550. Application for Addition of Location.

An institution shall not add a location unless the institution first applies for, and the Council approves, the addition of a location.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71555. Contents of the Application.

(a) The application shall be made in writing on a completed form entitled "Addition of Location, Branch Campus or Satellite" (DEGREE–GRANTING INSTITUTIONS, 12/1992/DOCS/REVBRNCH.DEG.) This form shall be signed by the chief executive officer, and shall include the following:

(1) The name, telephone number, and address of the institution.

(2) The address of the proposed new location.

(3) All of the information contained in subdivision (b) for the addition of a branch location and all of the information in subdivision (c) for a satellite location.

(4) A certification of compliance as provided in Section 71370.

(b) The application shall provide all of the following for a branch location:

(1) A detailed explanation of all of the following:

(A) The reasons for establishing a new branch.

(B) How the proposed branch relates to the institution's mission, purposes, and objectives.

(C) When the institution proposes to open the branch.

(D) The number of students which the proposed branch will serve.

(E) The impact of the branch on the financial resources of the institution, including the institution's ability to comply with Section 94311.4 of the Code.

(2) A description of the proposed facility's planned utilization including the programs and degrees that will be offered and the administrative and student services that will be available.

(3) A description of the facility and equipment as provided in Section 71260.

(4) A description of any differences between any programs approved at the main location and programs the institution proposes to offer at the branch location, including differences in admissions standards, degree requirements, curricula, and standards for student achievement.

(5) A description of the faculty as provided in Section 71250 at the proposed branch, including whether faculty would teach only at the proposed branch or would be shared among the institution's locations.

(6) A description of library and other learning resources, as provided in Section 71270, that would be available to students attending the proposed branch.

(7) A description of the planned administrative relationship between the main location and the proposed branch, including the nature and extent of the supervision by the chief academic officer, chief operating offi-

cer, chief executive officer, and administrators at the main location over the activities of the proposed branch.

(8) Copies of advertising, as provided in Section 71200, related to the proposed branch.

(9) Any additional information as described in Section 71340.

(c) The application shall provide all of the following for a satellite location:

(1) A description of the facility as provided in Section 71260.

(2) The number of students to be served.

(3) A description of the planned administrative relationship between the main or branch location and the proposed satellite, including the nature and extent of the supervision by the chief academic officer, chief executive officer, and administrators at the main location over the activities of the proposed satellite.

(4) A description of the courses offered.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71560. Processing of Application.

(a) Action by the Council shall not commence until a completed application and required fees have been submitted to the Council for its review.

(b) Within 30 days after receipt of an application for the addition of a satellite location, the Council shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Council shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Council shall consider an application to be complete if it appears that the institution has submitted all of the information and documents required by Section 71555.

(d) Nothing in this article shall prevent the Council from requesting that the institution provide information, documents, or other evidence which the Council deems necessary for the evaluation of the institution's application or approval to operate.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments of subsections (b) and (c) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71565. Decision on the Application.

(a) The Council shall approve the application if the institution's offer of education at the proposed location satisfies the minimum standards established in Section 94310(a) of the Code and if no ground for denial exists under the Act or this chapter.

(b) The Council shall make a decision on the merits within 90 days of receiving a complete application unless the Council extends the time for a period not to exceed 90 days to examine information received after the filing of the complete application.

(c) The Council shall make a decision on the merits within 15 days of receiving a complete application for a satellite.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of section heading and subsection (c) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 8. Change of Mission, Purposes, or Objectives or Primary Method of Instruction

§ 71600. Application for Change.

An institution shall not change its mission, purposes, or objectives or change its primary method of instruction unless the institution first applies for and obtains approval from the Council to make the change. This section does not apply to minor or non–fundamental changes in mission, purpose or objective.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71605. Contents of Application.

An application, signed by the institution's chief executive officer, should be submitted to the Council. The application shall contain all of the following:

(a) The name, address, and telephone number of the institution.

(b) A description of the proposed mission, purposes, or objectives or of the new method of instruction.

(c) A detailed explanation of the reasons for the proposed change.

(d) A description of the process used and the identity of the people involved in the decision to make the change.

(e) A description of how the change affects students, administration, and the institution's financial resources.

(f) If the proposed change would result in any change in existing faculty, facilities, library and learning resources, or student services, the institution shall provide the applicable information required by Sections 71250 through 71280, inclusive.

(g) A description of how the effects of the change will be monitored and evaluated, including the process for determining whether the change achieves the anticipated results.

(h) A description of how the institution will phase into the new mission, purposes, or objectives or the new method of instruction.

(i) Any additional information as provided in Section 71340.

(j) A certification of compliance as provided in Section 71370.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of opening paragraph 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71610. Processing of Application.

(a) Action by the Council shall not commence until a completed application and required fees have been submitted to the Council for its review.

(b) Within 60 days after receipt of an application for a change of mission, purposes, or objectives or a change in the method of instruction, the Council shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Council shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Council shall consider an application to be complete if it appears that the institution has submitted all of the information, documents, and fees required by Section 71605.

(d) Nothing in this article shall prevent the Council from requesting that the institution provide information, documents, or other evidence which the Council deems necessary for the evaluation of the institution's application or approval to operate.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71615. Decision on the Application.

(a) The Council shall approve the application if the proposed change would not cause the institution to fail to satisfy the minimum standards established in Section 94310(a) of the Code and if no ground for denial exists under the Act or this chapter.

(b) The Council shall make a decision on the merits within 90 days of receiving a complete application unless the Council extends the time for a period not to exceed 90 days to facilitate the work of a special committee, if any, impaneled to assist the Council's evaluation of the application or to examine information received after the filing of the complete application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 9. Change of Institutional Name

§ 71630. Process for Change of Name.

An institution shall not change its name or use another name unless the institution applies for, and the Council approves a change of name pursuant to the procedure established in Article 4 (commencing with Section 73550) of Chapter 4 of Division 7.5 of Title 5 of the California Code of Regulations.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 10. Requirements for Branch and Satellite Locations

§ 71650. Branch Locations.

(a) Only educational services that are approved at the main location shall be offered at the branch.

(b) For the purpose of conducting onsite inspections and evaluations, hotel conference rooms, faculty offices, and homes are not considered branches.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71655. Satellite Locations.

(a) A satellite location shall consist only of an auxiliary classroom which is located within 50 miles of a branch or the main location. A satellite shall be maintained only as a temporary facility.

(b) Only educational services that are approved at the main location may be offered at a satellite.

(c) The institution shall maintain no permanent records of attendance or academic progress at a satellite.

(d) No solicitation or enrollment of students shall occur at a satellite, except for the type of facilities enumerated in subdivision (f).

(e) Advertising indicating the location of a satellite shall indicate the temporary nature of the classroom.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 11. Institutional Operating Standards

§ 71700. *Applicability of Standards.*

In the event the Council receives a complaint about an institution from a student, the Attorney General or any other federal, state or local agency, the Council may request that the institution document compliance with the standards set forth in the Act and this chapter to obtain and maintain an approval to operate.

NOTE: Authority cited: Sections 94305 and 94377, Education Code. Reference: Sections 94301, 94305, 94310, 94311.4, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71705. Mission, Purposes, and Objectives.

(a) An institution shall have a written statement of its mission, purposes, and objectives. The mission, purposes, and objectives shall indicate the kind of education offered, for whom the instruction is intended and the expected outcomes for graduates.

(b) The institution shall document that its educational programs and educational programs are based on its stated mission, purposes, and objectives and that its facilities and equipment, financial resources, administrative capabilities, faculty, library and other learning resources, and student services are sufficient to achieve its stated mission, purposes, and objectives.

NOTE: Authority cited: Sections 94305 and 94377, Education Code. Reference: Sections 94301, 94305, 94310, 94311.4, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71710. Curriculum.

(a) The curriculum shall present those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled.

(b) The institution shall maintain a course outline for each course offered.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).

5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71715. Instruction.

(a) Instruction shall be the central focus of the resources and services of the institution.

(b) The institution shall document that the instruction offered leads to the achievement of the learning objectives of each course.

(2) Direct instruction requires the physical presence of one or more students and one or more faculty members at the same location. Direct instruction includes instruction presented in a classroom, seminar, workshop, lecture, colloquium, laboratory, tutorial, or other physical learning settings consistent with the mission, purposes, and objectives of the institution.

(3) Indirect instruction does not require the physical presence of students and faculty at the same location but provides for interaction between students and faculty by such means as telecommunication, correspondence, electronic and computer augmented educational services, postal service, and facsimile transmission. The institution shall notify the Council 30 days before the discontinuation of an educational program and immediately upon the decision to eliminate any instruction or other educational service offered by the institution.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94305 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71720. Faculty.

(a) Each institution shall employ duly qualified faculty sufficient in number to provide the instruction, student advisement, and learning outcomes evaluation necessary for the institution to document its achievement of its stated mission, purposes, and objectives, and for students to achieve the specific learning objectives of each course offered. Faculty employed at an institution on the date of the implementation of the regulations, who do not meet the qualifications, will have three years to earn the degree or experience necessary to qualify them for their position.

(b) Each institution shall develop and implement written policies and procedures providing for the participation by duly qualified faculty in the conducting of research, development of curricula, academic planning, enforcement of standards of academic quality, pursuit of academic matters related to the institution's mission, purposes, and objectives, establishment of criteria for contracting with new faculty, and evaluation of faculty credentials.

(c) In determining the number of faculty sufficient to satisfy subdivision (a) and to implement the policies established pursuant to subdivision (b), the institution shall base its faculty requirements on all of the following factors:

(1) The educational level and number of students.

(2) The number of hours needed for direct interaction between students and faculty per course, quarter, semester, or other term.

(3) The number of hours needed to be spent on evaluating written materials prepared by students, such as correspondence lessons, papers, and examinations, per course, quarter, semester, or other term.

(4) The number of group meetings per course, quarter, semester, or other term.

(5) The faculty duties established by the institution as required under subdivision (b).

(6) The number of hours per week or unites per term considered full–time for faculty in the institution.

(d) The faculty shall have sufficient expertise to support the institution's awarding of a degree identifying a specialty or major field of emphasis.

(e) The institution's faculty as a whole shall possess a diverse educational background which shall be demonstrated in part by earned degrees from a variety of colleges and universities or by credentials generally recognized in the field of instruction.

(f) When contracting for educational services, the institution shall maintain control of, and responsibility for, all academic matters, and shall assure that the instruction and faculty satisfy the standards established by the Act and this chapter.

(g)(1) In addition to the other requirements of the Act and this chapter, an institution offering instruction by correspondence shall employ a sufficient number of faculty to assure that (A) the institution's response to, or evaluation of, each student lesson is mailed to the student within 10 days after the lesson is received by the institution and (B) the institution's response to, or evaluation of, each student project or dissertation is mailed to the student within the time disclosed in the catalog.

(2) The institution shall maintain a record of the dates on which lessons, projects, and dissertations were received and responses were delivered. There shall be a rebuttal presumption that the institution's response was made on the date of the postmark on the envelope returning the institution's response or evaluation.

(h) The institution shall not employ or continue to employ any faculty who were found in a judicial or administrative proceeding to have violated any provision of the Act or this chapter or to have committed any act that would constitute grounds for the denial of a license under Section 480 of the Business and Professions Code.

(i) Every institution shall have a written Academic Freedom Policy which describes the latitude the institution allows faculty in the classroom so faculty will not violated inadvertently the principles of academic freedom. These policies shall be made available to any person upon request. The institution shall not take adverse action based on a staff member's exercise of academic freedom consistent with the institution's policy.

(j) The institution shall maintain records documenting that each faculty member is duly qualified and was qualified to perform the duties to which the faculty member was assigned, including providing instruction, evaluating learning outcomes, evaluating graduate dissertations, theses, and student projects, and participating on doctoral committees.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71725. Ownership and Management.

Each owner, corporate director, and chief executive officer, of an institution has the duty to act in the utmost good faith to do all of the following:

(a) Inquire into the operation of the institution and its compliance with applicable law, including the Act and this chapter.

(b) Take all reasonable steps within his or her capacity to cause the institution to comply with all applicable law and to correct the effects of noncompliance.

(c) Disclose immediately to the Council evidence that the institution or any person connected with the institution has engaged in fraud, misrepresentation, misappropriation of funds, or any violation of law prosecutable as a felony, except that no disclosure is required of any matter privileged under Section 940 of the Evidence Code.

(d) Expend or authorize the expenditure of the institution's assets and funds, including tuition, fees, and other charges collected from on behalf of students, in a diligent and prudent manner to assure that students receive the education and student services which were represented to the students and which meet the requirements of the Code and this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71730. Administration.

(a) Each institution shall have a chief executive officer, a chief operating officer and chief academic officer. One person may serve more than one function.

(b) The duties, responsibilities, and performance evaluation criteria for each administrator shall be set forth in a personnel manual or other writing maintained by the institution.

(c) An institution with one or more branch locations shall establish written institutional policies, consistent with subdivision (d), regarding the division and sharing of administrative responsibilities between the central administration at the main location and the administration at the branch locations.

(d) The administrative staffing at each branch location shall reflect the purposes, size, and educational operations at that location and at any satellite location for which the branch has administrative responsibilities.

(e) The chief academic officer shall possess a degree or equivalent acceptable experience at least equal to the highest qualifications required of the institution's faculty. Chief academic officers employed on the date of implementation of these regulations, who do not meet the qualifications for their positions, shall have three years to earn the necessary degrees or experience to qualify them for their position.

(f) The institution shall employ administrative personnel who have the expertise to ensure the achievement of the institution's mission, purposes, and objectives and the operation of the educational programs.

(g) The institution shall not employ or continue to employ any administrative personnel who were found in a judicial or administrative proceeding to have violated any provision of the Act or this chapter or to have committed any act that would constitute grounds for the denial of a license under Section 480.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71735. Facilities.

(a) The institution shall have sufficient facilities and necessary equipment to support the achievement of the educational objectives of all of the courses and educational programs in which students are enrolled.

(b) The institution's facilities, including heating and cooling, ventilation, lighting, classrooms, laboratories, and campus environs, shall be well–maintained. The institution shall adopt safety and security procedures necessary to protect students and shall comply with Section 94380 of the Code, if applicable.

(c) The institution's physical facilities, and any equipment used on the institution's premises or sold to students, shall comply with applicable health and safety requirements. The institution's facilities and equipment shall be used in accordance with health and safety requirements.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71740. Library and Other Learning Resources.

(a) An institution shall, as part of its curricula, require that students use available library and other learning resources.

(b) Institutions shall provide or make provision for the library and other learning resources needed to support each educational program it offers, including resources such as reference works, periodicals, monographs, and media and equipment specific to the educational programs offered.

(c) The institution shall describe onsite library and other learning resources, if any, that enable students to pursue inquiries, searches for information and documentation, and assignments connected with their study programs.

(d) An institution that depends for library and other learning resources primarily on other institutions' collections and resources not in its possession shall do all of the following:

(1) Describe those library and other learning resources, in the application and catalog.

(2) Provide students and faculty with access to the regular services of a professional librarian or information specialist experienced in the electronic retrieval of information, who shall provide support for faculty in curriculum matters and actively serve as a resource guide for both graduate and undergraduate students.

(3) Assure that students have access to the library collections and resources of another institution, organization, or library.

(4) Document compliance with paragraphs (1) and (2).

(e) Each institution shall assist its students in similar educational programs may convene as a study group if they so choose.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71745. Financial Resources.

(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following:

(1) Provide all of the educational services that the institution represented it would provide.

(2) Ensure that all students admitted to its educational programs have a reasonable opportunity to complete the programs and obtain their degrees.

(3) Maintain the minimum standards required by the Act and this chapter.

(4) Pay timely refunds as required by Section 94312(d)(3) of the Code.

(b) An institution shall document that none of the circumstances described in Section 94311.4(b) have occurred.

(c) At an institution's request, the Council may consider the financial resources of a parent corporation if all of the provisions of Section 94316.6(c) of the Code have been satisfied.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94311.4 and 94316.6, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 12. Admissions and Academic Achievement Standards

§ 71770. Statement of Admissions Policy.

(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program.

(b) The institution shall specify the maximum credit it will accept from another institution for each educational program and the basis upon which the transfer credit will be awarded. The maximum amount of transfer credit shall not exceed that permitted under Section 71850(b) or 71865(b) of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (a) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71775. Standards for Student Academic Achievement.

Every institution shall maintain and implement procedures for the measurement of student academic progress including the following:

(a) The use of evaluation and assessment measures consistent with the level and abilities of the student and the mission, purposes, and objectives of the institution.

(b) The maintenance of records of student progress that are readily understandable and usable by other accredited or approved institutions for the evaluation of students for admission.

(c) The requirements that students demonstrate their knowledge, skills, and academic achievement through student work products, including tests, essays, written projects, oral presentations, theses, and dissertations.

(d) The award of grades or credits based on evaluation by duly qualified faculty.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-17-93 order transmitted to OAL 3-11-94 and filed 4-19-94 (Register 94, No. 16).

Article 13. Contract, Refund, and Catalog Requirements

§ 71800. Enrollment Agreement and Charges.

(a) No institution shall offer any educational program, or receive any consideration from any person for an educational program, except pursuant to a written enrollment agreement that contains all of the information prescribed by Section 94312(f) of the Code.

(b) No institution shall enter an enrollment agreement with a student unless the student has first received the institution's catalog.

(c) The enrollment agreement shall set forth all tuition and fees that a student is obligated to pay for the time period covered by the agreement.

(d) A student may cancel an enrollment agreement at any time. If the cancellation is in writing, it is effective on the date of personal delivery or, if mailed, on the date postmarked.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94312, Education Code.

HISTORY

1. New section filed 8-17-92 as an emergency; operative 8-17-92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12-15-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-17-92 order transmitted to OAL on 2-3-93; disapproved by OAL on 3-24-93 (Register 93, No. 14).
3. New section refiled 4-12-93 as an emergency; operative 4-12-93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8-10-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-12-93 order transmitted to OAL on 10-6-93; disapproved by OAL on 11-22-93 (Register 93, No. 49).
5. New section refiled 11-17-93 as an emergency; operative 11-17-93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5-16-94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-17-93 order transmitted to OAL with amendment of subsection (a) 3-11-94 and filed 4-19-94 (Register 94, No. 16).

§ 71805. Refunds.

(a) Every institution shall make refunds that are no less than the refunds required under the Act and this section.

(b) If an institution has collected money from a student for transmittal on the student's behalf to a third party for a bond, library usage, or fees for a license, application, or examination and the institution has not paid the money to the third party at the time of the student's withdrawal or cancellation, the institution shall refund the money to the student within 30 days of the student's withdrawal or cancellation.

(c) An institution shall refund all charges to a student within 30 days of the institution's cancellation or discontinuation of the course or educational program in which the student is enrolled.

(d) An institution shall refund any credit balance on the student's account within 30 days after the date of the student's completion of, or withdrawal from, the educational program in which the student was enrolled.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94312, Education Code.

HISTORY

1. New section filed 8-17-92 as an emergency; operative 8-17-92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12-15-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-17-92 order transmitted to OAL on 2-3-93; disapproved by OAL on 3-24-93 (Register 93, No. 14).
3. New section refiled 4-12-93 as an emergency; operative 4-12-93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8-10-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-12-93 order transmitted to OAL on 10-6-93; disapproved by OAL on 11-22-93 (Register 93, No. 49).
5. New section refiled 11-17-93 as an emergency; operative 11-17-93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5-16-94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-17-93 order transmitted to OAL 3-11-94 and filed 4-19-94 (Register 94, No. 16).

§ 71810. Catalog.

(a) Every institution shall publish a catalog which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.

(b) The catalog shall contain the information prescribed by Section 94312(h) of the Code and all of the following:

(1) The specific beginning and ending dates defining the time period covered by the catalog.

(2) A statement of the institution's missions and purposes and the objectives underlying each of its educational programs.

(3) The institution's admissions policies.

(4) If the institution admits students from other countries, all of the following disclosures:

(A) Whether English language services, including instruction, are provided and, if so, the nature of the service and its cost.

(B) Whether visa services are provided or whether the institution will vouch for student status, and any associated charges.

(5) The level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted.

(6) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted.

(7) If the student signs an agreement for the entire program, the tuition and all other fees for the total cost of the program must be detailed. If the student enrolls by the semester or quarter, the catalog shall include: the tuition per unit of credit, the units required per semester or quarter, the number of units required for the degree, a listing of all fees required to be paid and a description of how and when fees are to be paid.

(8) The institution's policies and practices regarding any form of financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program.

(9) The institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay.

(10) The institution's policies regarding the acceptance of units of credit earned by the student at other institutions or through challenge examinations and standardized tests.

(11) The curriculum appropriate to the educational program offered.

(12) A list of the courses offered in each educational program and a brief description of each course.

(13) The institution's standards for student achievement.

(14) A description of the facilities and of the types of equipment and materials that will be used for instruction.

(15) A description of library and other learning resources and the procedures for student access to those resources.

(16) A description of the institution's practices that are designed to foster student interaction for learning purposes, including practices for convening study groups.

(17) If the institution offers instruction by correspondence, the approximate number of days that will elapse between the institution's receipt of

student lessons, projects, or dissertations and the institution's mailing of its response or evaluation.

(18) A description of all student services.

(19) If an institution represents that it provides employment placement services, including contacts with potential employers, a statement detailing the nature and extent of the placement services and indicating when these services would be available to the student.

(20) Housing information including all of the following:

(A) Whether the institution has dormitory facilities under its control.

(B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing.

(C) If the institution has no responsibility to find or assist a student in finding housing, a clear and conspicuous statement so indicating. A statement that the program is "non- residential" does not satisfy this subparagraph.

(21) Policies on student rights, including the procedure for addressing student grievances.

(22) Policies on the retention of student records.

(23) A description of the student's rights under the Student Tuition Recovery Fund established pursuant to Section 94342 of the Code.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 14. Special Provisions Regarding Correspondence Instruction

§ 71830. Degree Programs by Correspondence Instruction.

(a) This section applies only to institutions offering degree programs by correspondence instruction.

(b)(1) Institutions shall mail the first lesson and the initial correspondence material to the student within seven days after the institution accepts the student for admission.

(2) The student shall have the right to cancel the agreement and receive a full refund before the first lesson and initial correspondence material are received. Cancellation is effective on the date written notice of cancellation is mailed. The institution shall make the refund within 30 days of cancellation. If the institution sent the first lesson and materials before an effective cancellation notice was received, the institution shall make a refund within 30 days after the student's return of the correspondence material.

(c)(1) An institution shall mail all of the lessons and other material to the student if the student (A) has fully paid for the program and (B) requests all of the material in writing after having received the first lesson and initial correspondence material.

(2) If an institution mails the balance of the material as the student requests, the institution shall remain obligated to provide the other educational services it agreed to provide, such as responses to student inquiries, student and faculty interaction, and evaluation and comment on lessons submitted by the student but shall not be obligated to pay any refund after all of the lessons and material are mailed.

(d) The enrollment agreement shall disclose the institution's and student's rights and duties under this section.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 15. Undergraduate Degree Programs

§ 71850. General Provisions.

(a) Every student admitted to an undergraduate degree program shall have a high school diploma or meet the institution's written standards demonstrating the ability to succeed in college.

(b) A maximum of 75 percent of the units or credit that may be applied toward the award of a bachelor's degree may be derived from a combination of any or all of the following:

(1) Units earned at institutions approved by the Council, public or private institutions of higher learning accredited by an accrediting association recognized by the United States Department of Education, or any institution of higher learning, including foreign institutions, if the institution offering the undergraduate program documents that the institution of higher learning at which the units were earned offers degree programs equivalent to degree programs approved by the Council or accredited by an accrediting association recognized by the U.S. Department of Education.

(2) Challenge examinations and standardized tests such as the College Level Placement Tests for specific academic disciplines.

(3) Prior experiential learning to the extent permitted under Section 71890.

(c)(1) Graduation requirements for undergraduate degree programs shall include provisions for general education appropriate to the level and type of degree.

(2) At least 25 percent of the requirements for the associate degree and the bachelor's degree shall be in general education. This requirement does not apply to the Specialized Associate Degree (Occupational) or the Associate of Applied Science Degree referenced in Section 71855(a)(1). General education offered as part of these programs shall be necessary for a student to achieve the educational objectives of the program in which he or she is enrolled. General education shall also be at the same level of quality as that taught in Bachelor's or Associate degree programs which are approved pursuant to Sections 71855 and 71860 of this Article. It shall consist of courses and other organized educational activities designed to introduce students to each of the major divisions of formal learning such as the natural sciences, the social sciences, the humanities, the skills of writing and speaking, and mathematics.

(3) The institution shall specify the distribution of general education requirements by subject area for each undergraduate degree program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (a) 3–11–94 and filed 4–19–94 (Register 94, No. 16).
7. Amendment of subsection (c)(2) filed 10–27–94 as an emergency; operative 10–27–94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 4–25–95 (pursuant to Education Code section 94337) or emergency language will be repealed by operation of law on the following day.
8. Editorial correction of HISTORY 7 (Register 95, No. 19).
9. Certificate of Compliance as to 10–27–94 order transmitted to OAL 3–30–95 and filed 5–10–95 (Register 95, No. 19).

§ 71855. Associate Degrees.

(a)(1) The Specialized Associate Degree (Occupational) or the Associate of Applied Science Degree may be awarded only to students who complete at least the learning outcomes equivalent to a minimum of 60 semester units or its equivalent in other units of credit.

(2) A minimum of seventy–five percent of the curriculum shall be in the occupational area for which training is offered.

(b) The Associate in Arts and Associate in Science degrees may be awarded only to students whom the institution can document have achieved sequential learning equivalent in breadth of knowledge and understanding (i.e., general education) to that acquired in two years of college study beyond high school, as measured by a minimum of 60 semester units or its equivalent in other units of credit.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (a)(1) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71860. Bachelor's Degree.

The Bachelor's Degrees may be awarded to students whom the institution can document have achieved sequential learning equivalent in breadth of knowledge and understanding (i.e., general education) and equivalent in depth of achievement in a designated major field to that acquired in four years of study beyond high school, as measured by a minimum of 120 semester units or its equivalent in other units of credit.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 16. Graduate Degrees

§ 71865. General Provisions.

(a) Possession of a bachelor's degree or its equivalent shall be required for admission into post–baccalaureate degree programs. The institution shall document that alternatives to a bachelor's degree accepted by the institution are equivalent to a bachelor's degree. If a graduate program leads to a profession or an occupation requiring state licensure and the licensing agency does not require that the members of the profession or occupation posses a Bachelor's degree or or its equivalent, this subsection does not apply.

(b)(1) No more than six graduate semester units or the equivalent in other units awarded by another institution may be credited toward a Master's degree.

(2) An institution may accept transfer credits only from the types of institutions of higher learning described in Section 71850(b)(1).

(c) No more than 30 graduate semester units or the equivalent in other units awarded by another institution may be credited toward a doctoral degree. This subsection does not apply to graduate programs which lead to a profession or an occupation requiring state licensure where the licensing agency has a regulation permitting a different standard.

(d) No more than 25 percent of the units required for graduate degree programs may be awarded for a final product such as a thesis, dissertation, or product.

(e) Dissertations, theses and other products submitted by students as part of a graduate program shall be signed by all faculty members recommending the student for an award of a degree.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71870. Master's Degrees.

(a) The Master's Degree may only be awarded to students who demonstrate at least the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of 30 semester units or its equivalent in other units of credit or one year of study beyond the bachelor's degree.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92

or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71875. Professional Doctoral Degree.

The professional doctoral degree may be awarded only to students who have completed a prescribed level of study normally requiring a minimum of three academic years of full–time graduate study or the equivalent in part–time study; or, if the program leads to a profession or occupation requiring state licensure, who satisfy the requirements of the state agency. It shall the name of the field in which it is offered (e.g. Juris Doctor or Doctor of Music).

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71880. Doctorate Degrees.

(a)(1) The Doctor of Philosophy degree ("Ph.D.") is a research–oriented degree requiring a minimum of three years of full–time graduate education or the equivalent in part–time study.

(2) The Doctor of Philosophy may be awarded only to students who have completed a program of study that includes research methodology and who have demonstrated learning achievement through original research directly attributable to the student.

(b) Programs leading to the Doctor of Philosophy degree shall include substantial instruction in both theory and research at advanced levels in a designated field and specialty. Each educational program leading to a Doctor of Philosophy degree shall involve preparation for scholarship and systematic inquiry.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (a) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71885. Doctoral Committees.

(a)(1) Each Doctor of Philosophy program shall include a minimum of two formal evaluations of the student by a doctoral committee.

(2) The first evaluation shall consider the student's qualifications, including the student's knowledge, skills, and conceptual framework, for undertaking rigorous inquiry into the student's designated field.

(3) The second evaluation shall consider the design procedures and products of a formal original inquiry proposed and completed by the student.

(b) The doctoral committee shall be composed of at least three members of the institution's own faculty.

(c) All of the faculty who serve on each student's doctoral examining committee shall have all of the following qualifications:

(1) All of the faculty shall have doctoral degrees.

(2) The chair and the majority of the committee shall have degrees related to the student's field of investigation.

(3) A minimum of 50% of the faculty on the committee shall have degrees conferred by an institution accredited by an accrediting association recognized by the United States Department of Education or the American Bar Association, unless the accreditation does not exist.

(4) All of the faculty shall have three or more years of field or research experience related to their degrees obtained after they obtained their degrees.

(5) All of the faculty shall have been active in their field of scholarship or profession within the five year period preceding their participation on the committee.

(d) The formal evaluation procedures shall provide the committee as a whole with the opportunity to jointly examine the candidate.

(e) If the candidate is not physically present and the evaluation must take place by telephone or other means of electronic communication, one of the following shall apply:

(1) One faculty member on the student's doctoral committee from the main location (i.e., the state in which the program is licensed or otherwise officially approved) must be present at the location where the doctoral student is examined.

(2) A proctor, selected and approved by the doctoral committee, shall sit as an observer with the student at the distant location and verify, under penalty of perjury under the laws of the State of California, the identity of the student and the facts that the student received no prompting by anyone and did not have access to unallowed materials during the evaluation process.

(f) If a project includes more than one student, the individual student's role and contributions shall be clearly identified and documented.

(g) The institution shall maintain a written record of the evaluations. This record shall include the names and signatures of all committee members who participated in the evaluations.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 17. Prior Experiential Learning

§ 71890. Credit for Prior Experiential Learning.

(a) An institution may grant credit to a student for prior experiential learning only if the institution complies with this section.

(b) Credit for prior experiential learning may be granted only if all of the following apply:

(1) The prior learning is equivalent to a college or university level of learning.

(2) The learning experience demonstrates a balance between theory and practice.

(3) The credit awarded for the prior learning experience directly relates to the student's degree program and is applied in satisfaction of some of the degree requirements.

(c) Each college or university level learning experience for which credit is sought shall be documented by the student in writing.

(d) Each college or university level learning experience shall be evaluated by faculty qualified in that specific subject area who shall ascertain (1) to what college or university level learning the student's prior experience is equivalent and (2) how many credits toward a degree may be granted for that experience.

(e) The faculty evaluating the prior learning shall prepare a written report indicating all of the following:

(1) The documents in the student's record on which the faculty member relied in determining the nature of the student's prior experience.

(2) The bases for determining that the prior experience (A) is equivalent to college or university level learning and (B) demonstrates a balance between theory and practice.

(3) The bases for determining (A) to what college or university level the experience is equivalent and (B) the proper number of credits to be awarded toward the degree for that experience.

(f)(1) The institution shall designate at least one administrator to be responsible for the review of faculty determinations regarding the award of credit for prior experiential learning.

(2) The administrator shall document the institution's periodic review of faculty evaluations to assure that the faculty written evaluations and awards of credit comply with this section and the institution's policies and are consistent.

(g) The amount of credit awarded for prior experiential learning shall not be related to the amount charged the student for the assessment process.

(h)(1) Of the first 60 semester units awarded a student in an undergraduate program, no more than 15 semester units may be awarded for prior experiential learning.

(2) Of the second 60 semester units (i.e., units 61 to 120) awarded a student in an undergraduate program, no more than 15 semester units may be awarded for prior experiential learning.

(3) Of the first 30 semester units awarded a student in a graduate program, no more than 6 semester units may be awarded for prior experiential learning.

(4) Of the second 30 semester units (i.e., units 31 to 60) awarded a student in a graduate program, no more than 3 semester units may be awarded for prior experiential learning.

(5) No credit for experiential learning may be awarded after a student has obtained 60 semester units in a graduate program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 18. Reports

§ 71900. Annual Report.

(a)(1) The report of information required by Section 94312.2 of the Code shall cover educational programs offered in the prior calendar year.

(2) The financial report shall cover the institution's prior fiscal year.

(b) Every institution shall have financial statements prepared and signed by an independent public accountant. The form, content and mode of preparation of financial reports shall comply with Section 71905. Whenever it appears to the Council that an institution is unable to meet the financial requirements of Section 94312.2(h) or Section 94316.6(6)(c) of the Education Code, the Council may request that the institution immediately make available for inspection to a representative of the Council, these financial statements at the offices of the institution.

(c) An institution shall file its annual report within 30 days after receiving the annual report form from the Council. The Council may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Council's approval.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311.4, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71905. Financial Reports.

(a) This section applies to every audit, review, statements prepared and signed by independent accountants financial statements required to be prepared or filed by the Act or by this chapter.

(b) Institutional audits and reviews of financial data, including the preparation of financial statements, shall comply with all of the following:

(1) The financial report shall be conducted and prepared in accordance with the generally accepted accounting principles established by the American Institute of Certified Public Accountants by an independent public accountant who is not an employee, officer, or corporate director or member of the governing board of the institution.

(2) Financial statements prepared on an annual basis shall include: a Balance Sheet, Statement of Operations, Statement of Cash Flow, and Statement of Retained Earnings or Capital. Nonprofit institutions shall provide statements as required under generally accepted accounting principles for nonprofit organizations.

(3) The financial report shall establish whether the institution complies with Section 94311.4(a) of the Code and whether any of the circumstances described in Section 94311.4(b) of the Code exist.

(4) If an audit performed to determine compliance with any federal or state student financial aid program reveals any failure to comply with the requirements of the program and the noncompliance creates any liability or potential liability for the institution, the financial report shall reflect the liability or potential liability.

(5) Work papers for the financial report shall be retained for five years from the date of the report and shall be made available to the Council upon request after the completion of the report.

(c) Any audits shall be conducted in accordance with generally accepted auditing standards and shall include the matters described in subdivision (d).

(d) The accountant shall obtain an understanding of the institution's internal financial control structure, assess any risks, and report any material deficiencies in the internal controls.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311.4, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendments 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Article 19. Maintenance and Production of Records

§ 71910. Permits.

The institution shall maintain on file all valid permits required by public agencies relating to the health and safety of the institution's facilities and equipment.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71920. Student Records.

(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.

(b) The file shall contain all of the following applicable information:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Evidence of high school completion or equivalency or other documentation establishing the student's ability to do college level work.

(B) Records documenting units of credit earned at other institutions that have been accepted and applied by the institution as transfer credits toward the student's completion of an educational program.

(C) Grades or findings from any examination of academic ability or educational achievement used for admission or college placement purposes.

(D) All of the documents evidencing a student's prior experiential learning upon which the institution and the faculty base the award of any credit.

(2) Personal information regarding a student's age, gender, and ethnicity if that information has been voluntarily supplied by the student.

(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid.

(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation.

(5) A transcript showing all of the following:

(A) The classes and courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal.

(B) The final grades or evaluations given to the student.

(C) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit.

(D) Credit for courses earned at other institutions.

(E) Credit based on any examination of academic ability or educational achievement used for admission or college placement purposes.

(F) Degrees and diplomas awarded the student.

(6) For independent study courses, course outlines or learning contracts signed by the faculty and administrators who approved the course.

(7) The dissertations, theses, and other student projects submitted by graduate students.

(8) A copy of documents relating to student financial aid that are required to be maintained by law or by a loan guarantee agency.

(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received.

(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent.

(11) Copies of any official advisory notices or warnings regarding the student's progress.

(12) Complaints received from the student.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsection (b)(5)(A) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

§ 71930. Maintenance of Records.

(a) Except as provided in subdivision (b), an institution shall maintain all records required by the Act and this chapter and that relate to the institution's compliance with the Act and this chapter for at least five years at the institution's primary administrative location in California. Unless the institution has applied for, and the Council has approved a change of the institution's primary administrative location, the primary administrative location shall be deemed to be the location identified in the institution's most recently filed application for approval to operate.

(b)(1) The institution shall maintain for a period of 50 years a transcript as prescribed by Section 71920(b)(5) of this chapter.

(2) The institution shall maintain records relating to federal financial aid programs as provided by federal law.

(c) A copy of each current record required by the Act or this chapter shall be maintained. Current records include records required by Section 71920 of this chapter for students who are attending the institution, who graduated or withdrew from the institution within the preceding one year, or for whom a refund is owed. Current records may be maintained in either printed form or on computer disk so long as they are available for inspection.

(d) A record that is no longer current may be stored on microfilm, microfiche, computer disk, or any other method of record storage only if all of the following apply:

(1) The record may be stored without loss of information or legibility for the period within which the record is required to be maintained by the Act;

(2) The institution maintains functioning devices that can immediately reproduce exact, legible printed copies of stored records. The devices shall be maintained in reasonably close proximity to the stored records at the institution's primary administrative location in California.

(3) The institution has personnel scheduled to be present at all times during normal business hours who know how to operate the devices and can explain the operation of the devices to any person authorized by the Act to inspect and copy records.

(4) Any person authorized by the Act or this chapter to inspect and copy records shall be given immediate access to the document reproduction devices for the purpose of inspecting and copying stored records and shall, upon request, reimburse the institution for the reasonable cost of using the institution's equipment and material to make copies at a rate not to exceed ten cents ($0.10) per page.

(e) The institution shall maintain a second set of all academic and financial records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (d), are maintained in a manner secure from damage or loss. An acceptable manner of storage under this subsection would include fire resistant cabinets.

(f) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Council and any entity authorized to conduct investigations under Section 94339 of the Code.

(g) If an institution closes, the institution and its owners are jointly and severally responsible to arrange at their expense for the storage and safekeeping in California of all records required to be maintained by the Act and this chapter for as long as those records must be maintained. The repository of the records shall make these records immediately available for inspection and copying, without charge except as allowed under subdivision (d), during normal business hours by any entity authorized by law to inspect and copy records.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 8–17–92 as an emergency; operative 8–17–92 (Register 92, No. 34). A Certificate of Compliance must be transmitted to OAL 12–15–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8–17–92 order transmitted to OAL on 2–3–93; disapproved by OAL on 3–24–93 (Register 93, No. 14).
3. New section refiled 4–12–93 as an emergency; operative 4–12–93 (Register 93, No. 16). A Certificate of Compliance must be transmitted to OAL 8–10–93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–12–93 order transmitted to OAL on 10–6–93; disapproved by OAL on 11–22–93 (Register 93, No. 49).
5. New section refiled 11–17–93 as an emergency; operative 11–17–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–16–94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11–17–93 order transmitted to OAL with amendment of subsections (c) and (e) 3–11–94 and filed 4–19–94 (Register 94, No. 16).

Chapter 3. Regionally Accredited Out–of–State Degree–Granting Private Postsecondary Educational Institutions

Article 1. General Provisions

§ 72000. Definitions.

(a) The definitions contained in Section 94302 of the Code apply to this chapter.

(b) "Academic Freedom" describes conditions at an institution where scholars and teachers are allowed latitude with respect to their discussions with students and the positions they take. Under such a policy, a faculty member can articulate or even advocate positions or concepts which may be controversial in nature without fear of retribution or reprisal. Since the degree of Academic Freedom permitted will frequently depend heavily on the nature of the institution and its purposes, it is important for each institution to articulate its own policies pursuant to Section 72720(i).

(c) "Accredited public or private postsecondary educational institution incorporated in another state," as used in Section 94310(j) of the Code or "regionally accredited out–of–state degree–granting institution," as used in this chapter, means a public or private postsecondary educational institution incorporated in another state which is accredited by one of the following regional accrediting associations recognized by the United States Department of Education:

(1) Middle States Association of Colleges and Schools.

(2) New England Association of Colleges and Schools.

(3) North Central Association of Colleges and Schools.

(4) Northwest Association of Schools and Colleges.

(5) Southern Association of Colleges and Schools.

(d) "Chapter" refers to the chapters contained in Division 7.5 of Title 5 of the California Code of Regulations. "This chapter" or "the chapter" refers to Chapter 3.

(e) "Chief academic officer" means the person primarily responsible for the administration of an institution's academic affairs including the supervision of faculty, development of educational programs and curricula, and implementation of the institution's mission, purposes and objectives.

(f) "Chief executive officer" means the person primarily responsible for the overall administration of an institution, including the supervision of the chief academic officer and the chief operating officer. The chief executive officer is often, but need not be, called the president."

(g) "Chief operating officer" means the person primarily responsible for the administration of an institution's business operations, including finances, management, personnel, and contracting for goods, services, or property.

(h) "Credential" means publicly demonstrated skills and experiences whose achievement has been recognized by an official credential or award given by a professional association. This recognition can also be achieved if there is a general acceptance and recognition by members of the profession or industry in the field in which the person will teach.

(i) "Curriculum" means an organized set of courses or discrete modules of learning which are requisite to the award of a degree or diploma.

(j) "Degree program" means a curriculum leading to the award of an academic degree that is prescribed for students who must demonstrate achievement of satisfactory learning outcomes established by the institution to earn the academic degree.

(k) "Degree title" is synonymous with the same term used in Education Code Section 94302(o).

(l) "Duly qualified faculty" or "faculty member" means a person who satisfies all of the following:

(1) The person possess degrees from institutions accredited by regional accrediting associations recognized by the United States Department of Education in the degree title and fields of study offered.

(2) The degree, possessed by the person shall be at least equivalent to the level of instruction being taught or evaluated.

(3) The person has entered an agreement with the institutions whereby the person is obliged to conduct one or more of the courses in the institution's curriculum, advise and consult with individual students, and is responsible for the evaluation of the students' performance in the course.

(m) "Educational program" is any progressive or planned system of training, instruction or study and includes two broad categories which are termed (1) degree programs and (2) non–degree programs.

(n) "Fees" means any charges to students for goods and services, including equipment, supplies and learning resources, provided by the institution that are not included in the tuition. Fees do not include the cost of textbooks or memorabilia or other purchased items not required for the course of study.

(o) "Mission" means an institution's stated educational reasons to exist. The mission shall have all of the following characteristics:

(1) The mission shall include the institution's broad expectations concerning the education which students will receive, including the acquisition of the body of knowledge presented in the educational program, the development of intellectual, analytical, and critical abilities, and the fostering of values such as a commitment to pursue lifelong learning;

(2) The mission shall relate to the educational expectations of the institution's students and faculty and the community which the institution serves.

(p) "Objectives" are methods by which the institution transforms its mission into measurable student learning outcomes.

(q) "Operations in California" means all educational programs and services offered in California.

(r) "Prior experiential learning" or college level learning experience" means learning of a postsecondary nature as documented learning from a related profession, college level equivalent tests, military training or other college level equivalent experience.

(s) "Purposes" or goals" means the methods or educational emphases chosen by an institution to fulfill its mission. The institution's purposes relate to why the institution was founded, its particular point of view, its unique or special character, and its relationship to the community it serves.

(t) "Quarter" means at least 10 weeks of instruction or its equivalent as described in subdivision (u)(2).

(u) "Quarter unit" means either of the following:

(1) At least ten (10) hours of college or university level instruction during a quarter plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

(v) "Semester" means at least 15 weeks of instruction or its equivalent as described in subdivision (w)(2).

(w) "Semester unit" means either of the following:

(1) At least fifteen (15) hours of college or university level instruction during a semester plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

(x) "Tuition" means the cost for instruction normally charged on a per unit or per hour basis. It does not include itemized fees or the cost of textbooks, supplies, transportation, or equipment.

(y) "Unit" or unit of credit" means a measure of college or university level instruction that is evaluated by duly qualified faculty.

(z) "Vocational diploma program" means an educational program having all of the following characteristics:

(1) The educational program consists of a job training program or other instruction, training, or education that the institution represents will fit or prepare students for employment in any occupation.

(2) The institution offers the educational program to students who do not possess a bachelor's or graduate degree in the field of training.

(3) The institution confers a diploma on students who complete all or a portion of the educational program.

(aa) "Academic year" for a residential program means a term consisting of 30 weeks of instruction and testing which may be divided into shorter terms such as semester, quarters or trimesters. For a correspondence program, academic year" means the completion of 24 semester units or the equivalent in other units of credit.

(bb) "Full–time Study" means a student is enrolled at the undergraduate level for 12 or more semester units of credit (or the equivalent in other units of credit) or is enrolled at the graduate equivalent in other units of credit of courses ranked as graduate level). This requirement can be satisfied as long as the student accumulates 24 credits over a 30–week period.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302 and 94310, Education Code.

HISTORY

1. New chapter 3, article 1 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72005. Requirements for a Course of Study.

(a) The material is designed or organized by a duly qualified faculty member or by a group of duly designated and qualified faculty members.

(b) The material is presented in a logically organized manner or sequence to students.

(c) The institution establishes especific leaning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material.

(d) The learning outcomes are evaluated by duly qualified faculty.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94316, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72010. Applicability of Chapter.

(a) This chapter applies to regionally accredited out–of–state degree–granting institutions eligible to obtain the Council's approval to operate pursuant to Section 94310(j) of the Code and to their owners, corporate directors, governing board members, officers, chief academic officers, and faculty.

(b) Unless otherwise stated, Chapter 2 of Division 7.5 of Title 5 of the California Code of Regulations applies to the operations of regionally accredited out–of–state degree granting institutions within the State of California.

(c) Article 5 of Chapter 2 of Division 7.5 of Title 5 of the California Code of Regulations does not apply to regionally accredited out–of–state degree granting institutions as defined under this Chapter.

(d) Sections 72110 through 72170, 72240, 72725, 72730 and 72745 of this Chapter are only applicable to these institution's headquarters located outside the State of California.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94311.4, 94312, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72020. Vocational Diploma Programs Offered by Degree–Granting Institutions.

Vocational diploma programs offered by an institution approved under Section 94310 of the Code shall be subject to: (a) Article 2.5, as defined in Section 73000(c), unless the institution or the program is exempt from Article 2.5 pursuant to Section 94316.1 of the Code; and (b) Sections 73210, 73700, 73710, 73720, and 73730 of Chapter 4 of this division.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94316, 94316.05 and 94316.1, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 2. Application for Approval to Operate and Offer Educational Programs

§ 72101. Application Procedures.

(a) The information required by Sections 72180 through 72230, 72260 through 72320, and 72340 through 72360 below shall relate to the regionally accredited out–of–state degree–granting institution's operations in California.

(b) As part of its application, the institution must submit documentation or verification of the fact that it does have regional accreditation.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94330, 94331 and 94331.5, Education Code.

HISTORY

1. New article 2 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72105. Application Form.

(a) Applicants seeking approval to operate pursuant to Section 94310(j) of the Code, shall complete the "Application for Approval to Provide Educational Services under Education Code Section 94310(j), Form Application 94310(j) (5/95). As used in this article, "application" and "form" mean Form Application 94310(j).

(1) To the extent information required by Chapter 3 is contained in documents filed with the regionally accredited out–of–state degree–granting institution's accrediting agency, the institution may file that documentation with the Council by cross referencing it to the application.

(b) Applicants seeking approval to offer any additional degree or diploma programs (i.e. any educational program") or additional degree titles shall complete the application described in subdivision (a) as provided in Section 71360. No person shall offer additional degree or non–vocational diploma programs or additional degree title without first applying for, and obtaining, the Council's approval as provided in this chapter.

(c) Applicants shall submit the form, supporting or additional documentation, and the appropriate application fee, as provided in section 74000 of this chapter, to the Council for Private Post–Secondary and Vocational Education.

(d) The Council shall charge twenty–five dollars ($25) per application form.

(e) At the time of the submission of a completed application, an institution shall receive an application fee credit of twenty–five dollars ($25) for each complete application submitted.

(f) The application shall contain all of the information required by this article.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94330, 94331 and 94331.5, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72110. Institution's Name, Address, Telephone Number of Primary Administrative Office.

This regulation is only applicable to the institution's headquarters located outside the State of California.

An institution shall provide the following information on the application form:

(a) The name of the institution.

(b) The address of the institution's primary administrative location in California identified by street address. The institution's primary administrative location in California shall be deemed the institution's principal place of business.

(c) The mailing address of the institution, identified either by street address or by post office box number.

(d) The street address of each campus, branch, or satellite at which the educational programs will be offered, including the identification of the institution's main location and branch locations.

(e) The name, address, and phone number of an individual who will function as the institution's contact person for the purposes of the application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94315 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72120. Form of Business Organization.

This regulation is only applicable to the institution's headquarters located outside the State of California.

The institution shall specify the form of business organization of the institution (e.g., sole proprietorship, general or limited partnership, for–profit corporation, or nonprofit corporation). If the institution is incorporated, the institution shall also identify the state within which the institution is incorporated and the date of incorporation.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302, 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72130. Institution Ownership and Control; Violations of Law.

This regulation is only applicable to the institution's headquarters located outside the State of California.

(a) (1) The institution shall identify the name, address and telephone number of each owner of the institution and, to the extent applicable, each general partner, officer, corporate director, corporate member and any other person who exercises substantial control over the institution's management or policies. For the purpose of this paragraph, a person "exercises substantial control over the institution's management or policies" if the person has the authority to cause the institution to expend money or incur debt in the amount of fifty thousand dollars ($50,000) or more in any year.

(2) The institution may indicate the address, telephone number, of each person described in paragraph (1) on a separate page which may be filed in a sealed envelope with the application. The Council shall not disclose the information except to entities authorized to inspect records under Section 71930 of this chapter or as may be required by any law or by subpoena or court order.

(b) The institution shall describe the nature and percentage of the ownership interest and any other financial involvement in the institution of any person identified in subdivision (a).

(c) The institution shall provide a statement identifying any person identified in subdivision (a) who:

(1) Was found in any judicial or administrative proceeding to have violated the Act or the law of any other state related to untrue or misleading advertising, the solicitation of prospective students for enrollment in an educational service, or the operation of a postsecondary school;

(2) Was the subject of any of the grounds for denial set forth in Section 480 of the Business and Professions Code;

(3) Was subject to a finding, as described in Section 94330(k)(4) of the Code, in any judicial or administrative proceeding; or

(4) Has stipulated to a judgment or administrative order or entered a consent decree involving any of the matters described in this section.

(d) The institution shall furnish an explanation of any legal action pending against the institution or ownership or any of the institution's owners, officers, corporate directors, administrators, or instructors by any federal, state, or local law enforcement agency involving alleged acts of fraud, dishonesty, financial mismanagement, unpaid liabilities to any governmental agency or claims for pecuniary loss suffered by any student.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code; and Section 480, Business and Professions Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72140. Organization and Management.

This regulation with the exception of subsection (b) is only applicable to the institution's headquarters located outside the State of California.

(a) The institution shall include in its application an organization chart that shows the governance and administrative structure of the institution and the relationship between the out–of–state campus headquarters and its california operations.

(b) The institution shall provide a description of the job duties and responsibilities of those administrative and faculty positions responsible for or engaged in its operations in within the State of California.

(c) The institution shall identify the chief executive officer, chief operating officer, and chief academic officer and describe their education, experience, and qualifications to perform their duties and responsibilities.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72150. Governing Board.

This regulation is only applicable to the institution's headquarters located outside the State of California.

If the institution has a governing board, the application shall include the name, work address, and telephone number of each member of the governing board.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72160. Institution Representative.

This regulation is only applicable to the institution's headquarters located outside the State of California.

The application shall contain the name, work address, and telephone number of the person with whom the Council will correspond and conduct legal transactions on behalf of the institution.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72170. Mission, Purposes, and Objectives.

This regulation is only applicable to the institution's headquarters located outside the State of California.

The institution shall describe in detail its mission, purposes, and objectives.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72180. Exemplars of Student Agreements.

The institution shall include, with its application, exemplars of all student enrollment agreements and instruments of indebtedness.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72190. Financial Aid Students.

If an institution receives financial aid because its students qualify for it under any state or federal financial aid program, it shall provide a statement of its policies, practices, and disclosures regarding financial aid.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312.2, 94343.5 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72200. Advertising and Other Public Statements.

(a) The institution shall include in its application copies of advertising and other statements disseminated to the public in any manner by the institution or its representatives that concern, describe, or represent each of the following:

(1) The institution.

(2) The branch campus for which approval is sought, if applicable.

(3) Each educational service offered by the institution.

(b) If the application is for approval to offer a particular educational service, degree title, or degree program, the information required by subparagraph (3) of this section shall relate to that particular educational program, degree title, or degree program.

(c) If advertising is broadcast by television or radio, the application shall also include a copy of the script.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94312, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72210. Instruction and Degrees Offered.

(a) The institution shall identify and describe the educational program it offers, or proposes to offer. If the educational program is a degree program, the institution shall identify the full title which it will place on each degree awarded.

(b) In addition to the general title, such as Bachelor of Arts" or "Master of Science", each degree title shall include the name of a specific major field of learning involved.

(c) In addition, the institution shall list the following for each educational program offered:

(1) The admissions requirements, including minimum levels of prior education, preparation, or training;

(2) The types and amount of general education required;

(3) The title of the educational programs and other components of instruction offered, including a description of the level of the courses (e.g., below college level, undergraduate level, graduate level);

(4) The mode of instruction;

(5) The graduation requirements.

(6) Whether the program is designed to fit or prepare students for employment in any occupation.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72220. Description of Educational Service.

The application shall contain the following for each educational program that the institution offers or proposes to offer:

(a) A description of the educational program.

(b) A description of the equipment to be used during the educational program.

(c) A description of the number and qualifications of the faculty needed to teach the educational program.

(d) A projection, and the bases for the projection, of the number of students that the institution plans to enroll in the educational program during each of the three years following the date the application was submitted.

(e) A description of the learning, skills, and other competencies to be acquired by students who complete the educational program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94312, 94320 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72230. Instruction in Languages Other Than English.

If the institution offers an educational program in a language other than English, the application shall contain a description of all of the following for each educational program.

(a) The number of students grouped by the language in which they are fluent.

(b) The language in which the educational program will be offered to each language group of students.

(c) The number of faculty who will teach each language group of students and the faculty's qualifications to teach in that language.

(d) The language of the textbooks and other written materials to be used by each language group of students.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72240. Financial Reports.

(a) If an institution is not operating in California at the time it applies for approval to operate, the institution shall submit a financial report, including reviewed financial statements.

(b) If an institution is operating in California at the time it applies for approval to operate for itself or for a branch campus or for approval to offer additional programs or degree titles, the institution shall submit a copy of the most recent financial report it was required to submit by the Act or this chapter and a detailed description of any material changes in any of the information contained in that financial report or a statement indicating that there are no material changes.

(c) Each financial report shall comply with Section 71905 of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94311.4, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72250. Faculty.

(a) The application shall contain the name of each full–time and part–time faculty member.

(b) The application shall include a detailed description of all of the following for each faculty member providing instruction for students in California:

(1) Educational background, including earned degrees, the names of the institutions awarding the degrees, and the dates the degrees were conferred.

(2) Fields of specialization.

(3) Teaching, research and, administrative experience.

(4) Teaching assignments for the current year.

(5) Other duties assigned for the current year.

(c) The institution shall describe the faculty's role in curriculum development.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72260. Facilities and Equipment.

(a) For each program offered, the application shall contain a description of the facilities and the equipment which is available for use by students at the main, branch, and satellite locations of the institution.

(b) For facilities that are leased or rented, the application shall contain the name and address of the lessor or landlord, together with a copy of any use, lease, or rental agreements for the facilities.

(c) The description of the physical facilities shall include building diagrams or campus maps to assist the Council in locating these facilities. The diagrams or maps shall identify the location of classrooms, laboratories, workshops, and libraries.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72270. Libraries and Other Learning Resources.

The application shall include a description of library holdings, services, and other learning resources, including policies and procedures for supplying them to students who do not receive classroom instruction. The description need not consist of a list of each holding. The description shall include an explanation of how the library and other learning resources are sufficient to support the instructional needs of students and, if no facilities exist at the institution, how and when students may obtain access to a library and other learning resources.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72280. Student Services.

The application shall include a description of student services, if any, including provisions for academic counseling and textbook purchases.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72290. Copy of Catalog.

The application shall include a copy of the institution's catalog, including addenda reflecting newly approved educational services, in published or proposed–to–be–published form. The catalog shall meet the requirements of the Act and of Section 72810 of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72300. Graduation Document.

Each institution shall submit a copy of the document awarded to graduating students upon their successful completion of the educational program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72310. Recordkeeping; Custodian of Records.

(a) The application shall contain a description of how records required by the Act or this chapter are or will be organized and maintained, the types of documents contained in student files, how the records are stored, and whether academic and financial records are maintained in separate files. The description shall include a statement of the institution's procedures for security and safekeeping of records.

(b) The description shall include the name, work address and telephone number of the custodian of records, and the address and telephone number of the office where the records will be maintained.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72330. Operational Plan.

(a) If an institution, or the first branch for which an institution seeks approval, is not operating in California, the institution shall file an operational plan with its application relating to its operations in California.

(b) The operational plan shall include all of the following items:

(1) A description of how the background and experiences of the owners or the board of directors will help the venture to succeed.

(2) A detailed time line for implementation of the plan, the approximate date for the Council's on-site review and the target date for initial enrollment.

(3) An outline of the procedure for monitoring the budget, enrollment projections, outcomes, and adherence to the operational plan during the start-up phase.

(4) A list of operational goals and milestones for the first three years of operation.

(5) A financial analysis for the first three years outlining the sources of revenue, assumptions underlying the revenue, and capital. The financial analysis shall include a projection of expenses including: all personnel costs, instructional costs other than personnel, student services expenses, library/learning center resources, advertising and marketing expenditures, travel, plant operations, debt service, and capital investments.

(6) A projected enrollment for each educational program by year for the first three years of operations.

(7) A detailed outline for the addition of teaching personnel during the first three years.

(8) If the operational plan calls for physical plant expansion during the initial three years of the business, the expansion plan.

(c) The operational plan shall include a financial report as provided in Section 72240 of this chapter.

(d) When an institution opens subsequent branches in California, it may file an operation plan which includes only the information required by Subsections (b)(2), (b)(5), (b)(6) and (b)(8).

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94311.4 and 94330, Education Code.

HISTORY

1. New section filed 7-17-95; operative 8-16-95 (Register 95, No. 29).

§ 72340. Additional Information.

(a) The institution shall include in the application any material facts which have not otherwise been disclosed in the application that might reasonably affect the Council's decision to grant an approval to operate. In this context, a fact would be "material" if it would change the Council's decision concerning the institution's ability to comply with any applicable provisions of the Postsecondary Act.

(b) The institution may also include in the application any other facts which the institution would like the Council to consider in deciding whether to grant an approval to operate.

(c) For the purposes of this section, a fact is "material" if, without its inclusion into the application, the information contained in the application would be false, misleading, or incomplete.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311, 94311.4 and 94330, Education Code.

HISTORY

1. New section filed 7-17-95; operative 8-16-95 (Register 95, No. 29).

§ 72360. Approval for a Particular Educational Program or Degree Title.

If an institution is applying for approval to offer a particular degree or diploma program or a degree title that (1) had not been offered at the time the institution applied for approval to operate or (2) had not been offered at the campus at which the institution proposes to offer it, all of the following shall apply:

(1) The institution shall supply information required by Sections 72200 through 72300, inclusive. Except for the required financial information, the information shall pertain to the proposed degree or non-vocational diploma program or degree title.

(2) The institution shall supply information required by Sections 72110 through 72190, 72310, and 72320 only if the information contained in the institution's most recently filed application for approval is no longer accurate.

(3) The institution shall comply with Sections 72340, 72350, and 72380.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7-17-95; operative 8-16-95 (Register 95, No. 29).

§ 72380. Signatures and Certification.

(a) The application shall be signed, and each fact stated therein shall be declared to be true under penalty of perjury, as follows:

(1) By each owner of the institution, or

(2) If the institution is incorporated, by the chief executive officer of the corporation and each owner of 25 percent or more of the stock, if any, or

(3) By each officer of a nonprofit corporation.

(b) The declaration shall be in the following form: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct._____

_____

(Date) (Signature)"

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 2015.5, Code of Civil Procedure; Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7-17-95; operative 8-16-95 (Register 95, No. 29).

§ 72400. Processing of Completed Applications.

(a) Action by the Council pursuant to Education Code section 94310 shall not commence until a completed application for approval to operate has been submitted to the Council for its review.

(b) Within 30 days after receipt of an application for approval to operate as required by Article 2 of this chapter, the Council shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Council shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Council shall consider an application to be complete if it appears that the institution has submitted all of the information, documents, and fees required by the Act and by Article 2 of this chapter. This includes any additional documents the Council may request to determine if the institution's operational plan and its proposed implementation meets the minimum standards of Sections 94310(a) and 94310(b) of the Education Code.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 7-17-95; operative 8-16-95 (Register 95, No. 29).

§ 72405. Change in Circumstance Affecting Application Information.

(a) If, after the submission of an application but prior to the Council's decision to approve or deny an approval to operate, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Council in writing.

(b) For the purposes of this section, a change in circumstance is "material" if, without the inclusion of the new or different information into the application, the information contained in or the supporting documentation to the application would be false, misleading, or incomplete.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72410. Right to an Administrative Hearing.

Any institution who receives a notice from the Council stating that its application is incomplete has a right to appeal this action by requesting a hearing. Hearings are to be conducted pursuant to Education Code Section 94330(*l*) and Government Code Section 11500 et seq.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94330(*l*), Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72415. Length of Approval to Operate.

The Council shall set the expiration date of an approval to operate for an institution and its branch locations at 120 days after the close of the institution's fiscal year or other reasonable date, but in no event shall an approval to operate be valid for more than five years after the date of issuance.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72420. Applications from Institutions Operating on December 31, 1990.

(a) This article applies to institutions that (1) operated on December 31, 1990 under a license, approval, candidate for approval status, or authorization issued by the Superintendent of Public Instruction pursuant to Sections 94310.1, 94310.2, 94310.3, or 94310.4 of the Code then in effect and (2) continued to operate after December 31, 1990 under an extension of an approval to operate or candidate for approval status provided in Section 94310(g) or Section 94310(h) of the Code.

(b) No later than 120 days before the expiration of an institution's approval to operate, or candidate for approval status, provided under Section 94310(g) or Section 94310(h) of the Code, an institution seeking a new approval to operate shall submit a complete application and fees as required by the Act and this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 3. Visiting Committees

§ 72450. Visiting Committees.

(a) The Director, upon review of the application, shall determine the number of sites to be visited based on the following:

(1) The type of facility.

(2) The number of full– and part–time staff employed at each site.

(3) The number of students enrolled or expected to be enrolled at each site.

(4) The resources, including equipment, library, and other learning resources, provided to students at each site.

(5) The extent to which the inspection and review of a particular site is necessary or appropriate to evaluate the regionally accredited out–of–state degree–granting institution's operations in California and compliance with the Act and this chapter.

(b) A visiting committee shall make a comprehensive, qualitative onsite review of each institution that applies for an approval to operate within 90 days of the Council's receipt of a complete application unless the Director and the institution's chief executive officer agree to a later date.

(c) The visiting committee shall be appointed by the Director or his/her designee.

(d) The visiting committee shall consist of a minimum of two reviewers who are employed by regionally accredited institutions and have degrees equal to the highest level degree offered by the institution. The Director or his/her designee shall appoint a chair of the visiting committee. In addition, the Director or his/her designee may impanel a special committee consisting of one or more technically qualified people to assist the visiting committee in the evaluation of the application and the institution.

(e) The Director or his/her designee shall appoint a member of the Council's staff to serve as the visiting committee's liaison. The staff member shall prepare, with the cooperation of the visiting committee's members, the visiting committee's evaluation report and recommendations.

(f) To the extent possible, the date of the visit by the Council's committee will be coordinated to coincide with any visits scheduled by the institution's regional accrediting association.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY
1. New article 3 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72455. Challenge to the Visiting Committee.

(a) The institution being evaluated shall be notified of the identity of the members of the visiting committee at least 45 days before the visit. The notice shall also include a description of the institution's right to object to a committee member and the procedure for objection as provided in this section.

(b) If the institution objects to the inclusion of any person in the visiting committee, the institution may file a written objection with the Director at least 10 days before the visiting committee is originally scheduled to conduct its onsite inspection.

(c) An institution has a right to seek the disqualification of a visiting committee member before the occurrence of the onsite inspection on any of the following grounds:

(1) The committee member has inadequate academic or experiential qualification.

(2) The committee member or his or her family has a financial interest in, or is employed by, a competing institution which offers or proposes to offer any of the educational programs offered or proposed to be offered by the applicant institution.

(3) The committee member is biased. In order to establish that a committee member is biased, the institution must document by written evidence that the member is predisposed to give an unfavorable recommendation.

(d) An institution seeking to disqualify a visiting committee member shall submit copies of all evidence and argument on which it relies when the written objection is filed.

(e) All evidence and argument shall be considered by the Director. The Director shall make the final decision on the composition of the visiting committee before the onsite inspection occurs. There shall be no oral hearing or review of this decision. However, if the Director rejects the objection, the institution may raise the grounds for disqualification in any administrative proceeding that may be held after the inspection occurs.

(f) If an institution has grounds under subdivision (c) to object to the impaneling of a committee member before the occurrence on the onsite inspection and fails to timely object, the institution permanently waives the right to challenge the visiting committee's composition or report on those grounds.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72460. Duties of the Visiting Committee.

(a) The visiting committee shall conduct a comprehensive, qualitative onsite inspection and review of all aspects of the institution's operations to evaluate the institution's efforts to implement its mission, purpose, and objectives and to determine whether the institution complies with the applicable requirements of the Act and this chapter.

(b) The visiting committee's inspection and review may include the examination of documents and records, the inspection of facilities and

equipment, the auditing of classes, and the interview of current or former owners, directors, officers, administrators, faculty, and students.

(c) The visiting committee shall cooperate with the Council staff liaison in the preparation of a written evaluation report as described in Section 72465.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72465. Visiting Committee Report.

(a) The visiting committee report shall contain all of the following:

(1) The committee's findings regarding the institution's compliance with the Act and this chapter and facts supporting those findings.

(2) The committee's assessment of the quality of each educational program offered by the institution and facts supporting the assessment.

(3) The committee's assessment of the quality of the institution as a whole and facts supporting the assessment.

(4) The committee's recommendations for quality improvement based on its findings and assessment in the event the Council determines to grant an approval to operate.

(b) A report shall be prepared and submitted to the institution prior to the Council receiving the report and the recommendations. The institution shall have an opportunity to review the visiting committee report and respond to Council staff within fifteen (15) days of the institution's receipt of such report as to errors of fact or erroneous findings based on errors of fact. The Director or his/her designee will review the report and will submit to the Council the visiting committee's report and Council staff's recommendations along with the institution's comments.

(c) Except as provided in subdivision (d), the Council shall accept the visiting committee's report as its basis for taking appropriate action.

(d) The Council shall not be bound by any of the following:

(1) Any facts adduced by the visiting committee that are based on inaccurate or unreliable evidence or that are inconsistent with other facts found by the Council.

(2) The findings or assessment made by the visiting committee if the findings or assessments are not supported by the facts or the facts support different findings or assessments that may be reasonably made by the Council.

(3) The visiting committee's recommendations. Any actions taken which do not follow these recommendations must have some reasonable basis in fact or law.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72470. Institution Cooperation with Visiting Committee.

(a) The institution shall make available for inspection by the visiting committee all records which the visiting committee reasonably deems necessary or appropriate to inspect to determine whether the institution meets the standards of the Act and this chapter. Only those records necessary to establish compliance with the provisions of this Chapter or the Private Postsecondary and Vocational Education Reform Act of 1989 (Ed. Code 94300 et seq.) are required to be produced under this Section.

(b) The institution shall facilitate the visiting committee's onsite inspection including the inspection of records, inspection of facilities and equipment, observation of class sessions, or interviews with officers, administrators, faculty, or students.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 4. Change and Addition of Location and Change of Name

§ 72500. Application to Change Location Required.

(a) Sections 72500(b) – (e), 72505(b) – (c), 72510 and 72515 of this Article apply only to the regionally accredited out–of–state degree–granting institution's operations in California.

(b) An institution shall also apply in writing to the Council for an approval to change its location in California or that of any of its branches. The institution shall also establish that the regional accrediting association approved the proposed change, if approval is required, before the Council acts under these Articles.

(c) The application fees required under Title 5 of the California Code of Regulations, Section 74008(h) or 74008(i) shall be submitted at least 60 days prior to the proposed date of the change in location unless the change is necessitated by an emergency, as set forth in Section 71520 of Chapter 2.

(d) The Council shall inform an institution in writing within 10 days of receipt of an application for a change in the location of instruction that the application is complete and accepted for filing, or that the application is deficient and what information is required.

(e) An application shall be considered complete if it contains the information required by Section 71505 and is submitted with required fees.

(f) Nothing in this article shall prevent the Council from requesting that the institution provide information, documents, or other evidence in order for the Council to determine whether the new facilities of the institution are sufficient to ensure its capability of fulfilling its program or programs for enrolled students, are appropriate for the defined educational and are sufficient to ensure quality educational programs to the students as provided in Section 94310(a)(1) and 94310(a)(4).

(g) The review of the request and the decision of the Council shall be made within 30 days of receipt of a complete application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312, 94320 and 94330(k)(13), Education Code; and Sections 15375 and 15376, Government Code.

HISTORY

1. New article 4 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72505. Contents of Application for Change in Location.

(a) The application for a change in location shall be made in writing and shall contain, at a minimum, the following information:

(1) The name, current and proposed addresses, and telephone number of the institution;

(2) A description of the proposed physical facilities;

(3) A description of any equipment to be used at the proposed facilities which is different from the equipment used at the present facility;

(4) A statement, together with an explanation, if there will be any faculty teaching at the proposed facilities who are not currently teaching at the present facilities;

(5) The date on which the institution intends to offer instruction at the new location;

(6) A statement that the institution has informed students of the change as provided in Section 71510.

(b) The application for a change in location shall be signed under penalty of perjury.

(c) The application shall be made on a completed form entitled "Change of Location of Instruction" (DEGREE–GRANTING INSTITUTIONS, DOCS/REV. LOC 1/92.)

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72515. Council Approval.

The Council shall grant the approval within 30 days of its receipt of a complete application if the Council determines that the move would not affect the institution's compliance with the Act and this chapter and would not be unfair or unduly burdensome to students. If the Council denies the application, the institution has a right to appeal this decision by requesting a hearing pursuant to Education Code Section 94330(*l*) and Government Code Section 11500 et seq.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code; and Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72520. Emergency Application for Change in Location.

(a) An institution may submit a written application for a change in location necessitated by an emergency affecting the health or safety of students or personnel using the institution's facilities. The emergency application shall contain the reasons why an immediate change in the location of instruction is necessary. The application shall be made on a completed form entitled "Change of Location of Instruction" (DEGREE-GRANTING INSTITUTIONS, DOCS/REV. LOC 1/92.)

(b) Within three days of receipt of an emergency application for approval to change location, the Council shall inform the institution in writing if the application is complete and accepted for filing, or that the application is deficient and what information is required.

(c) The Council shall approve an application for an emergency change in location within 10 days of receipt of a complete application if the Council determines all of the following:

(1) There exists health or safety perils which necessitate the immediate change in location of the institution's main campus or a branch campus.

(2) The move would not affect the institution's compliance with the Act and this chapter.

(3) The move would not be unfair or unduly burdensome to students.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72550. Application for Addition of Location.

An institution shall not add a location unless the institution first applies for, and the Council approves, the addition of a location.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72555. Contents of the Application.

(a) The application shall be made in writing on a completed form entitled "Addition of Location, Branch Campus or Satellite" (DEGREE-GRANTING INSTITUTIONS, 12/1992/DOCS/REVBRNCH.DEG.) This form shall be signed by the chief executive officer, and shall include the following:

(1) The name, telephone number, and address of the institution.

(2) The address of the proposed new location.

(3) All of the information contained in subdivision (b) for the addition of a branch location and all of the information in subdivision (c) for a satellite location.

(b) The application shall provide all of the following for a branch location:

(1) A detailed explanation of all of the following:

(A) The reasons for establishing a new branch.

(B) How the proposed branch relates to the institution's mission, purposes, and objectives.

(C) When the institution proposes to open the branch.

(D) The number of students which the proposed branch will serve.

(E) The impact of the branch on the financial resources of the institution, including the institution's ability to comply with Section 94311.4 of the Code.

(2) A description of the proposed facility's planned utilization including the programs and degrees that will be offered and the administrative and student services that will be available.

(3) A description of the facility and equipment as provided in Section 72260.

(4) A description of any differences between any programs previously approved and programs the institution proposes to offer at the branch location, including differences in admissions standards, degree requirements, curricula, and standards for student achievement.

(5) A description of the faculty as provided in Section 71250 at the proposed branch, including whether faculty would teach only at the proposed branch or would be shared among the institution's locations.

(6) A description of library and other learning resources, as provided in Section 71270, that would be available to students attending the proposed branch.

(7) A description of the planned administrative relationship between the main location and the proposed branch, including the nature and extent of the supervision by the chief academic officer, chief operating officer, chief executive officer, and administrators at the main location over the activities of the proposed branch.

(8) Copies of advertising, as provided in Section 71200, related to the proposed branch.

(9) Any additional information as described in Section 71340.

(c) The application shall provide all of the following for a satellite location:

(1) A description of the facility as provided in Section 72260.

(2) The number of students to be served.

(3) A description of the planned administrative relationship between the main or branch location and the proposed satellite, including the nature and extent of the supervision by the chief academic officer, chief executive officer, and administrators at the main location over the activities of the proposed satellite.

(4) A description of the courses offered.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72560. Processing of Application.

(a) Action by the Council shall not commence until a completed application and required fees have been submitted to the Council for its review.

(b) Within 30 days after receipt of an application for the addition of a satellite location, the Council shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Council shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Council shall consider an application to be complete if it appears that the institution has submitted all of the information and documents required by Section 71555.

(d) Nothing in this article shall prevent the Council from requesting that the institution provide information, documents, or other evidence which the Council deems necessary for the evaluation of the institution's application or approval to operate.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72565. Decision on the Application.

(a) The Council shall approve the application if the institution's offer of education at the proposed location satisfies the minimum standards established in Section 94310(j) of the Code and if no ground for denial exists under the Act or this chapter.

(b) The Council shall make a decision on the merits within 90 days of receiving a complete application unless the Council extends the time for a period not to exceed 90 days to examine information received after the filing of the complete application.

(c) The Council shall make a decision on the merits within 15 days of receiving a complete application for a satellite.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72570. Change of Institutional Name.

An institution shall not change its name or use another name in its operations in California until the institution notifies the Council and receives Council approval of a change of name pursuant to the procedure established in Article 4 (commencing with Section 73550) of Chapter 4 of Division 7.5 of Title 5 of the California Code of Regulations.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 5. Change of Mission, Purpose and Objectives

§ 72600. Application for Change.

(a) Institution shall establish that the regional accrediting association approved the change to the institution's mission, purposes, or objectives before the Council acts under this Article.

(b) An institution shall not change its mission, purposes, or objectives or change its primary method of instruction in its operations in California unless the institution applies for and obtains approval from the Council to make the change. This section does not apply to minor or non–fundamental changes in mission, purpose or objective.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New article 5 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72605. Contents of Application.

An application, signed by the institution's chief executive officer, should be submitted to the Council. The application shall contain all of the following:

(a) The name, address, and telephone number of the institution.

(b) A description of the proposed mission, purposes, or objectives or of the new method of instruction.

(c) A detailed explanation of the reasons for the proposed change.

(d) A description of the process used and the identity of the people involved in the decision to make the change.

(e) A description of how the change affects students, administration, and the institution's financial resources.

(f) If the proposed change would result in any change in existing faculty, facilities, library and learning resources, or student services, the institution shall provide the applicable information required by Sections 72250 through 72280, inclusive.

(g) A description of how the effects of the change will be monitored and evaluated, including the process for determining whether the change achieves the anticipated results.

(h) A description of how the institution will phase into the new mission, purposes, or objectives or the new method of instruction.

(i) Any additional information as provided in Section 72340.

(j) A certification of compliance as provided in Section 72370.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72610. Processing of Application.

(a) Action by the Council shall not commence until a completed application and required fees have been submitted to the Council for its review.

(b) Within 60 days after receipt of an application for a change of mission, purposes, or objectives or a change in the method of instruction, the Council shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Council shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Council shall consider an application to be complete if it appears that the institution has submitted all of the information, documents, and fees required by Section 71605.

(d) Nothing in this article shall prevent the Council from requesting that the institution provide information, documents, or other evidence which the Council deems necessary for the evaluation of the institution's application or approval to operate.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72615. Decision on the Application.

(a) The Council shall approve the application if the proposed change would not cause the institution to fail to satisfy the minimum standards established in Section 94310(a) of the Code and if no ground for denial exists under the Act or this chapter.

(b) The Council shall make a decision on the merits within 90 days of receiving a complete application unless the Council extends the time for a period not to exceed 90 days to facilitate the work of a special committee, if any, impaneled to assist the Council's evaluation of the application or to examine information received after the filing of the complete application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94305 and 94310, Education Code; Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 6. Requirements for Branch and Satellite Locations

§ 72650. Branch Locations.

For the purpose of conducting onsite inspections and evaluations, hotel conference rooms, faculty offices, and homes are not considered branches. A full site review of the branch need not be conducted if the Council determines that the educational services offered there are identical to those already approved.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302 and 94310, Education Code.

HISTORY

1. New article 6 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72655. Satellite Locations.

(a) A satellite location shall consist only of an auxiliary classroom which is located within 50 miles of a branch or any main location. A satellite shall be maintained only as a temporary facility.

(b) Only educational services that are approved at the main location may be offered at a satellite.

(c) The institution shall maintain no permanent records of attendance or academic progress at a satellite.

(d) No solicitation or enrollment of students shall occur at a satellite, except for the type of facilities enumerated in subdivision (f).

(e) Advertising indicating the location of a satellite shall indicate the temporary nature of the classroom.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94302 and 94310, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 7. Institutional Operational Standards

§ 72700. Operational Standards.

Section 72710, 72720, and 72730 through 72740, inclusive, listed below, relate only to the regionally accredited out–of–state degree–granting institution's operations in California.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94305, 94310, 94311.4, 94312 and 94330, Education Code.

HISTORY
1. New article 7 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72701. Applicability of Standards.

In the event the Council receives a complaint about an institution from a student, the Attorney General or any other federal, state or local agency, the Council may request that the institution document compliance with the standards set forth in the Act and this chapter to obtain and maintain an approval to operate.

NOTE: Authority cited: Sections 94305 and 94377, Education Code. Reference: Sections 94301, 94305, 94310, 94311.4, 94312 and 94330, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72705. Mission, Purposes, and Objectives.

(a) An institution shall have a written statement of its mission, purposes, and objectives. The mission, purposes, and objectives shall indicate the kind of education offered, for whom the instruction is intended and the expected outcomes for graduates.

(b) The institution shall document that its educational programs are based on its stated mission, purposes, and objectives and that its facilities and equipment, financial resources, administrative capabilities, faculty, library and other learning resources, and student services are sufficient to achieve its stated mission, purposes, and objectives.

NOTE: Authority cited: Sections 94305 and 94377, Education Code. Reference: Sections 94301, 94305, 94310, 94311.4, 94312 and 94330, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72710. Curriculum.

(a) The curriculum shall present those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled.

(b) The institution shall maintain a course outline for each course offered.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72715. Instruction.

(a) Instruction shall be the central focus of the resources and services of the institution.

(b) The institution shall document that the instruction offered leads to the achievement of the learning objectives of each course.

(1) Direct instruction requires the physical presence of one or more students and one or more faculty members at the same location. Direct instruction includes instruction presented in a classroom, seminar, workshop, lecture, colloquium, laboratory, tutorial, or other physical learning settings consistent with the mission, purposes, and objectives of the institution.

(2) Indirect instruction does not require the physical presence of students and faculty at the same location but provides for interaction between students and faculty by such means as telecommunication, correspondence, electronic and computer augmented educational services, postal service, and facsimile transmission. The institution shall notify the Council 30 days before the discontinuation of an educational program and immediately upon the decision to eliminate any instruction or other educational service offered by the institution.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94305 and 94310, Education Code.

HISTORY
1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72720. Faculty.

(a) Each institution shall employ duly qualified faculty sufficient in number to provide the instruction, student advisement, and learning outcomes evaluation necessary for the institution to document its achievement of its stated mission, purposes, and objectives, and for students to achieve the specific learning objectives of each course offered. Faculty employed at an institution on the date of the implementation of the regulations, who do not meet the qualifications, will have three years to earn the degree or experience necessary to qualify them for their position.

(b) Each institution shall develop and implement written policies and procedures providing for the participation by duly qualified faculty in the conducting of research, development of curricula, academic planning, enforcement of standards of academic quality, pursuit of academic matters related to the institution's mission, purposes, and objectives, establishment of criteria for contracting with new faculty, and evaluation of faculty credentials.

(c) In determining the number of faculty sufficient to satisfy subdivision (a) and to implement the policies established pursuant to subdivision (b), the institution shall base its faculty requirements on all of the following factors.

(1) The educational level and number of students.

(2) The number of hours needed for direct interaction between students and faculty per course, quarter, semester, or other term.

(3) The number of hours needed to be spent on evaluating written materials prepared by students, such as correspondence lessons, papers, and examinations, per course, quarter, semester, or other term.

(4) The number of group meetings per course, quarter, semester, or other term.

(5) The faculty duties established by the institution as required under subdivision (b).

(6) The number of hours per week or units per term considered full–time for faculty in the institution.

(d) The faculty shall have sufficient expertise to support the institution's awarding of a degree identifying a specialty or major field of emphasis.

(e) The duly qualified faculty providing and evaluating educational services shall possess degrees from institutions accredited by regional accrediting associations recognized by the United States Department of Education in the degree title and fields of study offered.

(f) When contracting for educational services, the institution shall maintain control of, and responsibility for, all academic matters, and shall assure that the instruction and faculty satisfy the standards established by the Act and this chapter.

(g)(1) In addition to the other requirements of the Act and this chapter, an institution offering instruction by correspondence shall employ a sufficient number of faculty to assure that (A) the institution's response to, or evaluation of, each student lesson is mailed to the student within 10 days after the lesson is received by the institution and (B) the institution's response to, or evaluation of, each student project or dissertation is mailed to the student within the time disclosed in the catalog.

(2) The institution shall maintain a record of the dates on which lessons, projects, and dissertations were received and responses were delivered. There shall be a rebuttal presumption that the institution's response was made on the date of the postmark on the envelope returning the institution's response or evaluation.

(h) The institution shall not employ or continue to employ any faculty who were found in a judicial or administrative proceeding to have vio-

lated any provision of the Act or this chapter or to have committed any act that would constitute grounds for the denial of a license under Section 480 of the Business and Professions Code.

(i) Every institution shall have a written Academic Freedom Policy which describes the latitude the institution allows faculty in the classroom so faculty will not violated inadvertently the principles of academic freedom. These policies shall be made available to any person upon request. The institution shall not take adverse action based on a staff member's exercise of academic freedom consistent with the institution's policy.

(j) The institution shall maintain records documenting that each faculty member is duly qualified and was qualified to perform the duties to which the faculty member was assigned, including providing instruction, evaluating learning outcomes, evaluating graduate dissertations, theses, and student projects, and participating on doctoral committees.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72725. Ownership and Management.

This regulation is only applicable to the institution's headquarters located outside the State of California.

Each owner, corporate director, and chief executive officer, of an institution has the duty to act in the utmost good faith to do all of the following:

(a) Inquire into the operation of the institution and its compliance with applicable law, including the Act and this chapter.

(b) Take all reasonable steps within his or her capacity to cause the institution to comply with all applicable law and to correct the effects of noncompliance.

(c) Disclose immediately to the Council evidence that the institution or any person connected with the institution has engaged in fraud, misrepresentation, misappropriation of funds, or any violation of law prosecutable as a felony, except that no disclosure is required of any matter privileged under Section 940 of the Evidence Code.

(d) Expend or authorize the expenditure of the institution's assets and funds, including tuition, fees, and other charges collected from or on behalf of students, in a diligent and prudent manner to assure that students receive the education and student services which were represented to the students and which meet the requirements of the Code and this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72730. Administration.

(a) Each institution shall have a chief executive officer, a chief operating officer and chief academic officer. One person may serve more than one function. While the institution's central administrative offices need not be located within the State of California, it must maintain a sufficient number of administrative staff and facilities within this State to adequately oversee its California operations.

(b) The duties, responsibilities, and performance evaluation criteria for each administrator shall be set forth in a personnel manual or other writing maintained by the institution.

(c) An institution with one or more branch locations shall establish written institutional policies, consistent with subdivision (d), regarding the division and sharing of administrative responsibilities between the central administration at the main location and the administration at the branch locations.

(d) The administrative staffing at each branch location shall reflect the purposes, size, and educational operations at that location and at any satellite location for which the branch has administrative responsibilities.

(e) The chief academic officer shall possess a degree or equivalent acceptable experience at least equal to the highest qualifications required of the institution's faculty. Chief academic officers employed on the date of implementation of these regulations, who do not meet the qualifications for their positions, shall have three years to earn the necessary degrees or experience to qualify them for their position.

(f) The institution shall employ administrative personnel who have the expertise to ensure the achievement of the institution's mission, purposes, and objectives and the operation of the educational programs.

(g) The institution shall not employ or continue to employ any administrative personnel who were found in a judicial or administrative proceeding to have violated any provision of the Act or this chapter or to have committed any act that would constitute grounds for the denial of a license under Section 480.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72735. Facilities.

(a) The institution shall have sufficient facilities and necessary equipment to support the achievement of the educational objectives of all of the courses and educational programs in which students are enrolled.

(b) The institution's facilities, including heating and cooling, ventilation, lighting, classrooms, laboratories, and campus environs, shall be well–maintained. The institution shall adopt safety and security procedures necessary to protect students and shall comply with Section 94380 of the Code, if applicable.

(c) The institution's physical facilities, and any equipment used on the institution's premises or sold to students, shall comply with applicable health and safety requirements. The institution's facilities and equipment shall be used in accordance with health and safety requirements.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72740. Library and Other Learning Resources.

(a) An institution shall, as part of its curricula, require that students use available library and other learning resources.

(b) Institutions shall provide or make provision for the library and other learning resources needed to support each educational program it offers, including resources such as reference works, periodicals, monographs, and media and equipment specific to the educational programs offered.

(c) The institution shall describe onsite library and other learning resources, if any, that enable students to pursue inquiries, searches for information and documentation, and assignments connected with their study programs.

(d) An institution that depends for library and other learning resources primarily on other institutions' collections and resources not in its possession shall do all of the following:

(1) Describe those library and other learning resources, in the application and catalog.

(2) Provide students and faculty with access to the regular services of a professional librarian or information specialist experienced in the electronic retrieval of information, who shall provide support for faculty in curriculum matters and actively serve as a resource guide for both graduate and undergraduate students.

(3) Assure that students have access to the library collections and resources of another institution, organization, or library.

(4) Document compliance with paragraphs (1) and (2).

(e) Each institution shall assist its students in similar educational programs so that they may convene as a study group if they so choose.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72745. Financial Resources.

This regulation is only applicable to the institution's headquarters located outside the State of California providing the institution accepts full financial responsibility for its California operations.

(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following:

(1) Provide all of the educational services that the institution represented it would provide.

(2) Ensure that all students admitted to its educational programs have a reasonable opportunity to complete the programs and obtain their degrees.

(3) Maintain the minimum standards required by the Act and this chapter.

(4) Pay timely refunds as required by Section 94312(d)(3) of the Code.

(b) An institution shall document that none of the circumstances described in Section 94311.4(b) have occurred.

(c) At an institution's request, the Council may consider the financial resources of a parent corporation if all of the provisions of Section 94316.6(c) of the Code have been satisfied.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94311.4 and 94316.6, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 8. Admissions and Academic Achievement Standards

§ 72770. Statement of Admissions Policy.

(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. The institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program.

(b) The institution shall specify the maximum credit it will accept from another institution for each educational program and the basis upon which the transfer credit will be awarded. The maximum amount of transfer credit shall not exceed that permitted under Section 71850(b) or 71865(b) of this chapter.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94312, Education Code.

HISTORY

1. New article 8 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72775. Standards for Student Academic Achievement.

Every institution shall maintain and implement procedures for the measurement of student academic progress including the following:

(a) The use of evaluation and assessment measures consistent with the level and abilities of the student and the mission, purposes, and objectives of the institution.

(b) The maintenance of records of student progress that are readily understandable and usable by other accredited or approved institutions for the evaluation of students for admission.

(c) The requirements that students demonstrate their knowledge, skills, and academic achievement through student work products, including tests, essays, written projects, oral presentations, theses, and dissertations.

(d) The award of grades or credits based on evaluation by duly qualified faculty.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94312, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 9. Contract, Refund, and Catalog Requirements

§ 72800. Enrollment Agreement and Charges.

(a) No institution shall offer any educational program, or receive any consideration from any person for an educational program, except pursuant to a written enrollment agreement that contains all of the information prescribed by Section 94312(f) of the Code.

(b) No institution shall enter an enrollment agreement with a student unless the student has first received the institution's catalog.

(c) The enrollment agreement shall set forth all tuition and fees that a student is obligated to pay for the time period covered by the agreement.

(d) A student may cancel an enrollment agreement at any time. If the cancellation is in writing, it is effective on the date of personal delivery or, if mailed, on the date postmarked.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94312, Education Code.

HISTORY

1. New article 9 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72805. Refunds.

(a) Every institution shall make refunds that are no less than the refunds required under the Act and this section.

(b) If an institution has collected money from a student for transmittal on the student's behalf to a third party for a bond, library usage, or fees for a license, application, or examination and the institution has not paid the money to the third party at the time of the student's withdrawal or cancellation, the institution shall refund the money to the student within 30 days of the student's withdrawal or cancellation.

(c) An institution shall refund all charges to a student within 30 days of the institution's cancellation or discontinuation of the course or educational program in which the student is enrolled.

(d) An institution shall refund any credit balance on the student's account within 30 days after the date of the student's completion of, or withdrawal from, the educational program in which the student was enrolled.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94312, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72810. Catalog.

(a) Every institution shall publish a catalog which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.

(b) The catalog shall contain the information prescribed by Section 94312(h) of the Code and all of the following:

(1) The specific beginning and ending dates defining the time period covered by the catalog.

(2) A statement of the institution's missions and purposes and the objectives underlying each of its educational programs.

(3) The institution's admissions policies.

(4) If the institution admits students from other countries, all of the following disclosures:

(A) Whether English language services, including instruction, are provided and, if so, the nature of the service and its cost.

(B) Whether visa services are provided or whether the institution will vouch for student status, and any associated charges.

(5) The level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted.

(6) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation

of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted.

(7) If the student signs an agreement for the entire program, the tuition and all other fees for the total cost of the program must be detailed. If the student enrolls by the semester or quarter, the catalog shall include: the tuition per unit of credit, the units required per semester or quarter, the number of units required for the degree, a listing of all fees required to be paid and a description of how and when fees are to be paid.

(8) The institution's policies and practices regarding any form of financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program.

(9) The institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay.

(10) The institution's policies regarding the acceptance of units of credit earned by the student at other institutions or through challenge examinations and standardized tests.

(11) The curriculum appropriate to the educational program offered.

(12) A list of the courses offered in each educational program and a brief description of each course.

(13) The institution's standards for student achievement.

(14) A description of the facilities and of the types of equipment and materials that will be used for instruction.

(15) A description of library and other learning resources and the procedures for student access to those resources.

(16) A description of the institution's practices that are designed to foster student interaction for learning purposes, including practices for convening study groups.

(17) If the institution offers instruction by correspondence, the approximate number of days that will elapse between the institution's receipt of student lessons, projects, or dissertations and the institution's mailing of its response or evaluation.

(18) A description of all student services.

(19) If an institution represents that it provides employment placement services, including contacts with potential employers, a statement detailing the nature and extent of the placement services and indicating when these services would be available to the student.

(20) Housing information including all of the following:

(A) Whether the institution has dormitory facilities under its control.

(B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing.

(C) If the institution has no responsibility to find or assist a student in finding housing, a clear and conspicuous statement so indicating. A statement that the program is "non–residential" does not satisfy this subparagraph.

(21) Policies on student rights, including the procedure for addressing student grievances.

(22) Policies on the retention of student records.

(23) A description of the student's rights under the Student Tuition Recovery Fund established pursuant to Section 94342 of the Code.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310 and 94312, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 10. Special Provisions Regarding Correspondence Instruction

§ 72830. Degree Programs by Correspondence Instruction.

(a) This section applies only to institutions offering degree programs by correspondence instruction.

(b)(1) Institutions shall mail the first lesson and the initial correspondence material to the student within seven days after the institution accepts the student for admission.

(2) The student shall have the right to cancel the agreement and receive a full refund before the first lesson and initial correspondence material are received. Cancellation is effective on the date written notice of cancellation is mailed. The institution shall make the refund within 30 days of cancellation. If the institution sent the first lesson and materials before an effective cancellation notice was received, the institution shall make a refund within 30 days after the student's return of the correspondence material.

(c)(1) An institution shall mail all of the lessons and other material to the student if the student (A) has fully paid for the program and (B) requests all of the material in writing after having received the first lesson and initial correspondence material.

(2) If an institution mails the balance of the material as the student requests, the institution shall remain obligated to provide the other educational services it agreed to provide, such as responses to student inquiries, student and faculty interaction, and evaluation and comment on lessons submitted by the student but shall not be obligated to pay any refund after all of the lessons and material are mailed.

(d) The enrollment agreement shall disclose the institution's and student's rights and duties under this section.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310 and 94312, Education Code.

HISTORY

1. New article 10 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 11. Undergraduate Degree Programs

§ 72850. General Provisions.

(a) Every student admitted to an undergraduate degree program shall have a high school diploma or meet the institution's written standards demonstrating the ability to succeed in college.

(b) A maximum of 75 percent of the units or credit that may be applied toward the award of a bachelor's degree may be derived from a combination of any or all of the following:

(1) Units earned at institutions approved by the Council, public or private institutions of higher learning accredited by an accrediting association recognized by the United States Department of Education, or any institution of higher learning, including foreign institutions, if the institution offering the undergraduate program documents that the institution of higher learning at which the units were earned offers degree programs equivalent to degree programs approved by the Council or accredited by an accrediting association recognized by the U.S. Department of Education.

(2) Challenge examinations and standardized tests such as the college Level Placement Tests for specific academic disciplines.

(3) Prior experiential learning to the extent permitted under Section 72890.

(c)(1) Graduation requirements for undergraduate degree programs shall include provisions for general education appropriate to the level and type of degree.

(2) At least 25 percent of the requirements for the associate degree and the bachelor's degree shall be in general education. This requirement does not apply to the Specialized Associate Degree (Occupational) or the Associate of Applied Science Degree referenced in Section 72855(a)(1). General education offered as part of these programs shall be necessary for a student to achieve the educational objectives of the program in which he or she is enrolled. General education shall also be at the same level of quality as that taught in Bachelor's or Associate degree programs which are approved pursuant to Sections 72855 an 72860 of this Article. It shall consist of courses and other organized educational activities designed to introduce students to each of the major divisions of formal

learning such as the natural sciences, the social sciences, the humanities, the skills of writing and speaking, and mathematics.

(3) The institution shall specify the distribution of general education requirements by subject area for each undergraduate degree program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New article 11 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72855. Associate Degrees.

(a)(1) The Specialized Associate Degree (Occupational) or the Associate of Applied Science Degree may be awarded only to students who complete at least the learning outcomes equivalent to a minimum of 60 semester units or its equivalent in other units of credit.

(2) A minimum of seventy–five percent of the curriculum shall be in the occupational area for which training is offered.

(b) The Associate in Arts and Associate in Science degrees may be awarded only to students whom the institution can document have achieved sequential learning equivalent in breath of knowledge and understanding (i.e., general education) to the acquired in two years of college study beyond high school, as measured by a minimum of 60 semester units or its equivalent in other units of credit.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72860. Bachelor's Degree.

The Bachelor's Degrees may be awarded to students whom the institution can document have achieved sequential learning equivalent in breadth of knowledge and understanding (i.e., general education) and equivalent in depth of achievement in a designated major field to that acquired in four years of study beyond high school, as measured by a minimum of 120 semester units or its equivalent in other units of credit.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 12. Graduate Programs

§ 72865. General Provisions.

(a) Possession of a bachelor's degree or its equivalent shall be required for admission into post–baccalaureate degree programs. The institution shall document that alternatives to a bachelor's degree accepted by the institution are equivalent to a bachelor's degree. If a graduate program leads to a profession or an occupation requiring state licensure and the licensing agency does not require that the members of the profession or occupation possess a Bachelor's degree or its equivalent, this subsection does not apply.

(b)(1) No more than six graduate semester units or the equivalent in other units awarded by another institution may be credited toward a Master's degree.

(2) An institution may accept transfer credits only from the types of institutions of higher learning described in Section 72850(b)(1).

(c) No more than 30 graduate semester units or the equivalent in other units awarded by another institution may be credited toward a doctoral degree. This subsection does not apply to graduate programs which lead to a profession or an occupation requiring state licensure where the licensing agency has a regulation permitting a different standard.

(d) No more than 25 percent of the units required for graduate degree programs may be awarded for a final product such as a thesis, dissertation, or product.

(e) Dissertations, theses and other products submitted by students as part of a graduate program shall be signed by all faculty members recommending the student for an award of a degree.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New article 12 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72870. Master's Degrees.

(a) The Master's Degree may only be awarded to students who demonstrate at least the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of 30 semester units or its equivalent in other units of credit or one year of study beyond the bachelor's degree.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72875. Professional Doctoral Degree.

The professional doctoral degree may be awarded only to students who have completed a prescribed level of study normally requiring a minimum of three academic years of full–time graduate study or the equivalent in part–time study; or, if the program leads to a profession or occupation requiring state licensure, who satisfy the requirements of the state agency. It shall the name of the field in which it is offered (e.g. Juris Doctor or Doctor of Music).

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72880. Doctorate Degrees.

(a)(1) The Doctor of Philosophy degree (Ph.D.") is a research–oriented degree requiring a minimum of three years of full–time graduate education or the equivalent in part–time study.

(2) The Doctor of Philosophy may be awarded only to students who have completed a program of study that includes research methodology and who have demonstrated learning achievement through original research directly attributable to the student.

(b) Programs leading to the Doctor of Philosophy degree shall include substantial instruction in both theory and research at advanced levels in a designated field and specialty. Each educational program leading to a Doctor of Philosophy degree shall involve preparation for scholarship and systematic inquiry.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72885. Doctoral Committees.

(a)(1) Each Doctor of Philosophy program shall include a minimum of two formal evaluations of the student by a doctoral committee.

(2) The first evaluation shall consider the student's qualifications, including the student's knowledge, skills, and conceptual framework, for undertaking rigorous inquiry into the student's designated field.

(3) The second evaluation shall consider the design procedures and products of a formal original inquiry proposed and completed by the student.

(b) The doctoral committee shall be composed of at least three members of the institution's own faculty.

(c) All of the faculty who serve on each student's doctoral examining committee shall have all of the following qualifications:

(1) All of the faculty shall have doctoral degrees.

(2) The chair and the majority of the committee shall have degrees related to the student's field of investigation.

(3) A minimum of 50% of the faculty on the committee shall have degrees conferred by an institution accredited by an accrediting association

recognized by the United States Department of Education or the American Bar Association, unless the accreditation does not exist.

(4) All of the faculty shall have three or more years of field or research experience related to their degrees obtained after they obtained their degrees.

(5) All of the faculty shall have been active in their field of scholarship or profession within the five year period preceding their participation on the committee.

(d) The formal evaluation procedures shall provide the committee as a whole with the opportunity to jointly examine the candidate.

(e) If the candidate is not physically present and the evaluation must take place by telephone or other means of electronic communication, one of the following shall apply:

(1) One faculty member on the student's doctoral committee from the main location (i.e., the state in which the program is licensed or otherwise officially approved) must be present at the location where the doctoral student is examined.

(2) A proctor, selected and approved by the doctoral committee, shall sit as an observer with the student at the distant location and verify, under penalty of perjury under the laws of the State of California, the identity of the student and the facts that the student received no prompting by anyone and did not have access to unallowed materials during the evaluation process.

(f) If a project includes more than one student, the individual student's role and contributions shall be clearly identified and documented.

(g) The institution shall maintain a written record of the evaluations. This record shall include the names and signatures of all committee members who participated in the evaluations.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 13. Prior Experiential Learning

§ 72890. Credit for Prior Experiential Learning.

(a) An institution may grant credit to a student for prior experiential learning only if the institution complies with this section.

(b) Credit for prior experiential learning may be granted only if all of the following apply:

(1) The prior learning is equivalent to a college or university level of learning.

(2) The learning experience demonstrates a balance between theory and practice.

(3) The credit awarded for the prior learning experience directly relates to the student's degree program and is applied in satisfaction of some of the degree requirements.

(c) Each college or university level learning experience for which credit is sought shall be documented by the student in writing.

(d) Each college or university level learning experience shall be evaluated by faculty qualified in that specific subject area who shall ascertain (1) to what college or university level learning the student's prior experience is equivalent and (2) how many credits toward a degree may be granted for that experience.

(e) The faculty evaluating the prior learning shall prepare a written report indicating all of the following:

(1) The documents in the student's record on which the faculty member relied in determining the nature of the student's prior experience.

(2) The bases for determining that the prior experience (A) is equivalent to college or university level learning and (B) demonstrates a balance between theory and practice.

(3) The bases for determining (A) to what college or university level the experience is equivalent and (B) the proper number of credits to be awarded toward the degree for that experience.

(f)(1) The institution shall designate at least one administrator to be responsible for the review of faculty determinations regarding the award of credit for prior experiential learning.

(2) The administrator shall document the institution's periodic review of faculty evaluations to assure that the faculty written evaluations and awards of credit comply with this section and the institution's policies and are consistent.

(g) The amount of credit awarded for prior experiential learning shall not be related to the amount charged the student for the assessment process.

(h)(1) Of the first 60 semester units awarded a student in an undergraduate program, no more than 15 semester units may be awarded for prior experiential learning.

(2) Of the second 60 semester units (i.e., units 61 to 120) awarded a student in an undergraduate program, no more than 15 semester units may be awarded for prior experiential learning.

(3) Of the first 30 semester units awarded a student in a graduate program, no more than 6 semester units may be awarded for prior experiential learning.

(4) Of the second 30 semester units (i.e., units 31 to 60) awarded a student in a graduate program, no more than 3 semester units may be awarded for prior experiential learning.

(5) No credit for experiential learning may be awarded after a student has obtained 60 semester units in a graduate program.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301 and 94310, Education Code.

HISTORY

1. New article 13 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 14. Reports

§ 72900. Annual Report.

(a)(1) The report of information required by Section 94312.2 of the Code shall cover educational programs offered in the prior calendar year.

(2) The financial report shall cover the institution's prior fiscal year.

(b) Financial information may be submitted in the aggregate for all operations of the corporation both inside and outside California.

(c) Each institution approved in California must report its all revenues derived from its operations in this State.

(d) Every institution shall have financial statements prepared and signed by an independent public accountant. The form, content and mode of preparation of financial reports shall comply with Section 71905. Whenever it appears to the Council that an institution is unable to meet the financial requirements of Section 94312.2(h) or Section 94316.6(c) of the Education Code, the Council may request that the institution immediately make available for inspection to a representative of the Council, these financial statements at the offices of the institution.

(e) An institution shall file its annual report within 30 days after receiving the annual report form from the Council. The Council may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of the filing of its annual report because of a change in the fiscal year without the Council's approval.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311.4, 94312.2 and 94330, Education Code.

HISTORY

1. New article 14 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72905. Financial Reports.

(a) This section applies to every audit, review, statements prepared and signed by independent accountants, financial statements required to be prepared or filed by the Act or by this chapter.

(b) Institutional audits and reviews of financial data, including the preparation of financial statements, shall comply with all of the following:

(1) The financial report shall be conducted and prepared in accordance with the generally accepted accounting principles established by the American Institute of Certified Public Accountants by an independent public accountant who is not an employee, officer, or corporate director or member of the governing board of the institution.

(2) Financial statements prepared on an annual basis shall include: a Balance Sheet, Statement of Operations, Statement of Cash Flow, and Statement of Retained Earnings or Capital. Nonprofit institutions shall provide statements as required under generally accepted accounting principles for nonprofit organizations.

(3) The financial report shall establish whether the institution complies with Section 94311.4(a) of the Code and whether any of the circumstances described in Section 94311.4(b) of the Code exist.

(4) If an audit performed to determine compliance with any federal or state student financial aid program reveals any failure to comply with the requirements of the program and the noncompliance creates any liability or potential liability for the institution, the financial report shall reflect the liability or potential liability.

(5) Work papers for the financial report shall be retained for five years from the date of the report and shall be made available to the Council upon request after the completion of the report.

(c) Any audits shall be conducted in accordance with generally accepted auditing standards and shall include the matters described in subdivision (d).

(d) The accountant shall obtain an understanding of the institution's internal financial control structure, assess any risks, and report any material deficiencies in the internal controls.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311.4, 94312.2 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Article 15. Maintenance and Production of Records

§ 72910. Records.

(a) Records need not be maintained in California if the institution has no locations there.

(b) If records are so maintained, the Council, in its discretion, may visit the out–of–state site for purposes of conducting a review and inspection of these records.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New article 15 and section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72915. Permits.

The institution shall maintain on file all valid permits required by public agencies relating to the health and safety of the institution's facilities and equipment.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94310, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72920. Student Records.

(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational program.

(b) The file shall contain all of the following applicable information:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Evidence of high school completion or equivalency or other documentation establishing the student's ability to do college level work.

(B) Records documenting units of credit earned at other institutions that have been accepted and applied by the institution as transfer credits toward the student's completion of an educational program.

(C) Grades or findings from any examination of academic ability or educational achievement used for admission or college placement purposes.

(D) All of the documents evidencing a student's prior experiential learning upon which the institution and the faculty base the award of any credit.

(2) Personal information regarding a student's age, gender, and ethnicity if that information has been voluntarily supplied by the student.

(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid.

(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation.

(5) A transcript showing all of the following:

(A) The classes and courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal.

(B) The final grades or evaluations given to the student.

(C) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit.

(D) Credit for courses earned at other institutions.

(E) Credit based on any examination of academic ability or educational achievement used for admission or college placement purposes.

(F) Degrees and diplomas awarded the student.

(6) For independent study courses, course outlines or learning contracts signed by the faculty and administrators who approved the course.

(7) The dissertations, theses, and other student projects submitted by graduate students.

(8) A copy of documents relating to student financial aid that are required to be maintained by law or by a loan guarantee agency.

(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received.

(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent.

(11) Copies of any official advisory notices or warnings regarding the student's progress.

(12) Complaints received from the student.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

§ 72930. Maintenance of Records.

(a) Except as provided in subdivision (b), an institution shall maintain all records required by the Act and this chapter and that relate to the institution's compliance with the Act and this chapter for at least five years at the institution's primary administrative location in California. Unless the institution has applied for, and the Council has approved a change of the institution's primary administrative location, the primary administrative location shall be deemed to be the location identified in the institution's most recently filed application for approval to operate.

(b)(1) The institution shall maintain for a period of 50 years a transcript as prescribed by Section 71920(b)(5) of this chapter.

(2) The institution shall maintain records relating to federal financial aid programs as provided by federal law.

(c) A copy of each current record required by the Act or this chapter shall be maintained. Current records include records required by Section 71920 of this chapter for students who are attending the institution, who graduated or withdrew from the institution within the preceding one year, or for whom a refund is owed. Current records may be maintained in either printed form or on computer disk so long as they are available for inspection.

(d) A record that is no longer current may be stored on microfilm, microfiche, computer disk, or any other method of record storage only if all of the following apply:

(1) The record may be stored without loss of information or legibility for the period within which the record is required to be maintained by the Act;

(2) The institution maintains functioning devices that can immediately reproduce exact, legible printed copies of stored records. The devices shall be maintained in reasonably close proximity to the stored records at the institution's primary administrative location in California.

(3) The institution has personnel scheduled to be present at all times during normal business hours who know how to operate the devices and can explain the operation of the devices to any person authorized by the Act to inspect and copy records.

(4) Any person authorized by the Act or this chapter to inspect and copy records shall be given immediate access to the document reproduction devices for the purpose of inspecting and copying stored records and shall, upon request, reimburse the institution for the reasonable cost of using the institution's equipment and material to make copies at a rate not to exceed ten cents ($.10) per page.

(e) The institution shall maintain a second set of all academic and financial records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (d), are maintained in a manner secure from damage or loss. An acceptable manner of storage under this subsection would include fire resistant cabinets.

(f) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Council and any entity authorized to conduct investigations under Section 94339 of the Code.

(g) If an institution closes, the institution and its owners are jointly and severally responsible to arrange at their expense for the storage and safekeeping in California of all records required to be maintained by the Act and this chapter for as long as those records must be maintained. The repository of the records shall make these records immediately available for inspection and copying, without charge except as allowed under subdivision (d), during normal business hours by any entity authorized by law to inspect and copy records.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94301, 94310, 94312 and 94330, Education Code.

HISTORY

1. New section filed 7–17–95; operative 8–16–95 (Register 95, No. 29).

Chapter 4. Vocational and Non–Degree Granting Schools

Article 1. General Provisions

§ 73000. Definitions and References.

(a) The definitions contained in Sections 94711 through 94746 and Section 94852 of the Code apply to this chapter.

(b) "Administrator" means school directors, associate directors, financial aid directors, and financial aid officers.

(c) "Article 7" means the Maxine Waters School Reform and Student Protection Act of 1989, Article 7 (commencing with Section 94850) of Chapter 7 of Part 59 of Division 10 of the Education Code.

(d) "Associate director" means a person who is subordinate to the school director and who has primary responsibility for an institution's financial operations or for the planning and development of course curricula.

(e) "Chapter" means Chapter 4 of Division 7.5 of Title 5 of the California Code of Regulations.

(f) "Financial aid director" means a financial aid officer whom the institution has designated to supervise one or more financial aid officers employed by the institution.

(g) "Financial aid officer" means any person involved in administering the participation of the institution or any of its students in any federal or state student loan or grant program. "Financial aid officer" includes any person who assists students to apply for, disburses the proceeds of, or regularly explains student rights and obligations under, loans or grants subject to any federal or state program.

(h) "School director" means the person who primarily administers the daily operation of the institution and has supervisorial authority over other administrators and instructors.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94710, 94711–94746, 94774, 94778, 94882 and 94920, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including repealer of subsection (i) and subsection relettering transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73010. Applicability of Chapter.

Unless otherwise expressly stated, this chapter applies to the following:

(a) Institutions required to obtain the Bureau's approval to operate pursuant to Section 94915 of the Code;

(b) Institutions subject to the provisions of Article 2.7; and

(c) Owners, corporate directors or members of the governing board, officers, and administrators of, and instructors teaching at, institutions subject to the provisions of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94774, 94778, 94850, 94882 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (a) and (b) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 2. Application for Approval to Operate

§ 73100. Application Form.

(a) Applicants seeking approval to operate pursuant to Section 94915 of the Code shall complete the "Application for Approval to Provide Educational Services under Education Code Section 94915," Form Application 94915, effective January 1, 1992. Applicants shall submit the form, supporting or additional documentation, and the appropriate application fee, as provided in section 74000 of this chapter, to the Bureau for Private Post–Secondary and Vocational Education.

(b) The Bureau may assess a document fee to cover the costs of each application form. The amount of the document fee shall be twenty–five dollars ($25.00) per application form.

[The next page is 402.5.]

(c) At the time of submission of a completed application, an institution shall receive an application fee credit in the amount of the document fee. The maximum credit allowed shall be twenty-five dollars ($25.00) for each complete application submitted.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94915 and 94932, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (a) and (b) and amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73110. Institution's Name, Address, Telephone Number of Primary Administrative Office.

An institution shall provide the following information on the application form:

(a) The name of the institution.

(b) The address of the institution's primary administrative location in California identified by street address. The institution's primary administrative location in California shall be deemed the institution's principal place of business.

(c) The mailing address of the institution, identified either by street address or by post office box number.

(d) The street address of each location at which the educational services or education program will be offered, including the identification of the institution's main campus and branch campuses.

(e) The name, address, and phone number of an individual who will function as the institution's contact person for the purposes of the application.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73120. Form of Business Organization.

The institution shall specify the form of business organization of the institution (e.g., sole proprietorship, general or limited partnership, for-profit corporation, or nonprofit corporation). If the institution is incorporated, the institution shall also identify the state within which the institution is incorporated and the date of incorporation.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73130. Institution Ownership and Control; Violations of Law.

(a) The institution shall identify the name, address, telephone number, and driver's license number (if a driver's license has been issued) of each owner of the institution and, to the extent applicable, each general partner, officer, corporate director, corporate member, and person in control of the institution.

(b) The institution shall describe the nature and percentage of the ownership interest and any other financial involvement in the institution of any person identified in subsection (a) of this section.

(c) The institution shall provide a statement identifying any person identified in subsection (a) of this section who

(1) Was the subject of findings described in subdivisions (b), (c), or (d) of Section 94879 of the Code;

(2) Was found in any judicial or administrative proceeding to have violated the Act or the law of any other state related to untrue or misleading advertising, the solicitation of prospective students for enrollment in an educational service, or the operation of a postsecondary school;

(3) Was the subject of any of the grounds for denial set forth in Section 480 of the Business and Professions Code; or

(4) Has stipulated to a judgment or administrative order or entered a consent decree involving any of the matters described in this section.

(d) The institution shall furnish an explanation of any legal action pending against the institution or ownership or any of the institution's owners, officers, corporate directors, administrators, or instructors by any federal, state, or local law enforcement agency.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94705, 94802, 94850, 94851, 94879, 94881 and 94915, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order including amendment of subsection (a) transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (c)(1) and amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73140. Organization and Management.

(a) The institution shall include in its application an organization chart that shows the governance and administrative structure of the institution and the relationship between instructors and administrative positions.

(b) The institution shall provide a description of the job duties and responsibilities of each administrative and instructor position.

(c) The institution shall identify the school director and describe the school director's education, experience, and qualifications to administer the institution.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94705, 94802, 94850, 94851, 94879, 94881 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73150. Governing Board.

If the institution has a governing board, the application shall include the name, address, and telephone number of each member of the governing board.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94705, 94802, 94850, 94851, 94859 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73160. Student Progress, Review, and Notification.

An institution shall provide in its application information on how it maintains, implements, and discloses to students its policy for monitoring the progress of each student through successive stages of its educational services.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73165. Institution Representative.

The application shall contain the name, address, and telephone number of the person with whom the Bureau will correspond and conduct legal transactions on behalf of the institution.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: 94705, 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73170. Exemplars of Student Agreements; Written Disclosures.

The institution shall include with its application exemplars of each student enrollment agreement, instrument of indebtedness, and each written disclosure and notice required by Article 7.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94853, 94859, 94866, 94868 and 94871, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73180. Financial Aid Students.

If an institution receives financial aid pursuant to any state or federal financial aid program, it shall provide a statement indicating for the preceding federal financial aid award year, the number and percentage of students receiving financial aid under all state and federal aid programs, the total amount of aid by source from each aid program, and the federal cohort default rate for the three most recent years as reported by the United States Department of Education.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94808, 94915 and 94947, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73190. Advertising and Other Public Statements.

(a) The institution shall include in its application copies of advertising and other statements disseminated to the public in any manner by the institution or its representatives that concern, describe, or represent the following:

(1) The institution;

(2) The branch campus for which approval is sought, if applicable;

(3) Each educational service offered by the institution;

(4) Employment; and

(5) Potential earnings.

(b) If the application is for approval to offer a particular educational service, course, or program of instruction, training or study, the information required by subparagraphs (3), (4), and (5) of this section shall relate to that particular educational service, course, or program.

(c) If advertising is broadcast by television or radio, the application shall also include a copy of the script.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94705, 94802, 94808, 94832, 94850 and 94851, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73200. Instruction Offered.

(a) The application shall contain a description of the specific fields of instruction offered, or proposed to be offered, and the purposes and educational objectives of the instruction.

(b) If the instruction is represented to lead to employment in any occupation or described in any job title, the application shall identify each occupation and job title to which each course is represented to lead.

(c) If the instruction is represented to lead to employment that requires licensure, the application shall include a brief description of the educational requirements for licensure and how the instruction prepares students to satisfy those requirements and to prepare for the licensing examination.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73210. Description of Educational Service.

(a) The application shall contain the following for each educational service that the institution offers or proposes to offer:

(1) A description of the educational service.

(2) A description of the equipment to be used during the educational service.

(3) A description of the number and qualifications of the faculty needed to teach the educational service.

(4) A projection, and the bases for the projection, of the number of students that the institution plans to enroll in the educational service during each of the three years following the date the application was submitted.

(5) A description of the skills and other competencies to be acquired by students who complete the educational service.

(6) A feasibility study for each educational service that has not been offered by the institution within the prior year establishing job market demand in the labor market area for graduates of the educational service, the projected number of graduates from other vocational training programs in the labor market area, and the average starting salary and average salary in the labor market area for the occupations to which the educational service is represented to lead.

The analysis may use current projections and information from the California Employment Development Department, California Occupational Information Coordinating Committee, and the U.S. Department of Labor. The analysis shall be based on the most current, reasonably available data and, in no event, shall be based on data collected more than two years before the application is submitted.

(b) The application shall be accompanied by the following for each educational service:

(1) A syllabus as described in Section 73880 of this chapter.

(2) Statements from three employers indicating that each employer

(A) reviewed the curriculum and the equipment used in the educational service,

(B) finds that the curriculum and equipment satisfy the job training needs of employers in the labor market area, and

(C) would be willing to hire graduates of the educational service based on the training offered if the employer had job vacancies. No employer providing a statement shall have a financial interest in the institution, and no owner of the institution shall have a financial interest in the employer's business.

(c) For purposes of this section, "labor market area" has the meaning set forth in Section 52301.5(d) of the Code.

NOTE: Authority cited: Section 94774, 94778 and 94882, Education Code. Reference: Sections 94705, 94802, 94831, 94832, 94850, 94851, 94854, 94875 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (a)(6) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73220. Minimum Level of Education.

The application shall include a statement of the minimum levels of education or prior training and preparation required of students for admission.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73230. Instruction in Languages Other Than English.

If the institution offers an educational service in a language other than English, the application shall contain a description of all of the following for each education service:

(a) The number of students grouped by the language in which they are fluent.

(b) The language in which the educational service will be offered to each language group of students.

(c) The number of instructors who will teach each language group of students and the instructor's qualifications to teach in that language.

(d) The language of the textbooks and other written materials to be used by each language group of students.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73240. Instruction to Non–English Speaking Students.

If the institution enrolls students in any educational service who are not fluent both in writing and in speaking the English language, the institution shall provide a description of all of the following for each educational service:

(a) Whether the institution offers instruction in English–as–a–second–language ("ESL").

(b) Whether the instruction is tied to the student's enrollment to receive another educational service.

(c) If the institution offers ESL instruction before or at the same time as offering an educational service in the English language, the application shall state whether the institution tests each student to determine whether the student has attained adequate proficiency in written and spoken English to comprehend instruction in English. If so, the institution shall identify in the application the test(s) given to the students.

(d) If an institution that is subject to Article 7 offers ESL instruction before or at the same time as offering an educational service in the English language, the application shall state whether the institution tests each student to determine whether the student has attained adequate proficiency in written and spoken English to be successfully trained by English language instruction to perform the tasks associated with the occupations or job titles to which the educational service is represented to lead. If so, the institution shall identify the test(s) given to the students.

(e) If the institution offers ESL instruction to students who need ESL instruction to use already existing knowledge, training, or skills, the applicant shall state whether the institution tests each student to determine whether the student has attained adequate proficiency in written and spoken English to use already existing, knowledge, training, or skills. If so, the institution shall identify the test(s) given to the students. The institution shall also identify in the application how it documents that ESL instruction is necessary to enable each student enrolled in ESL instruction to use already existing, knowledge, training, or skills.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94832, 94851, 94875 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (d) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73260. Financial Reports.

(a) If an institution is not operating in California at the time it applies for approval, the institution shall submit reviewed financial statements with its application.

(b) If an institution that is operating in California applies for approval to operate a branch campus that has not operated, the institution shall submit all of the following:

(1) Reviewed financial statements for the branch,

(2) A copy of the most recent audit report for the institution as required under Section 94862 of the Code, and

(3) A detailed description of any material changes in any of the information contained in that audit report or a statement indicating that there are no material changes.

(c) If an institution that is operating in California applies for approval to operate for itself or a branch campus that is operating, the institution shall submit a copy of its most recent audit report of financial statements required by Section 94862 of the Code, and a detailed description of any material changes in any of the information contained in that audit report or a statement indicating that there are no material changes.

(d) Each report of financial statements shall comply with Section 73860 of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94804, 94808, 94855 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (b)(2) and (c) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73270. Instructors.

(a) The application shall contain the name of each instructor and a statement of the number of hours per week the instructor is scheduled to be present at the location where the instructor teaches.

(b) The application shall include a detailed description of each instructor's education and employment that establishes that the instructor pos-

sesses adequate academic, experiential, and professional qualifications to teach the educational service or to perform the duties to which the instructor is assigned. If the description required herein is set forth in an instructor's application for a new or current certificate of authorization, the institution may refer to that application.

(c) If an instructor holds a current certificate of authorization, that fact shall be stated. If the instructor does not hold a current certificate of authorization, an application for certificate of authorization for that instructor shall accompany the institution's application for approval to operate.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73280. Facilities and Equipment.

(a) The application shall contain a description of the institution's physical facilities and the equipment which is available for use by students at the location where the students are to receive instruction.

(b) The description shall include specifications of significant equipment that demonstrate that the equipment meets the standards prescribed by the Code and this chapter and is sufficient to enable students to achieve the educational objectives of each education service.

(c) For each item of equipment, the description should indicate whether the equipment is owned, leased, rented, or licensed for short– or long–term, or owned by another and used without charge.

(d) For facilities that are leased or rented, the application shall contain the name and address of the lessor or landlord, together with a copy of any use, lease, or rental agreements for the facilities.

(e) The description of the physical facilities shall include building diagrams or campus maps to assist the Bureau in locating these facilities. The diagrams or maps shall identify the location of classrooms, laboratories, workshops, and libraries.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (e) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73290. Libraries.

The application shall include a description of library holdings, services, and other learning resources, including policies and procedures for supplying them to distance instruction students. The description need not consist of a list of each holding. The description shall include an explanation of how the library is sufficient to support the instructional needs of students and to prepare students for the occupations or job titles to which the educational services are represented to lead.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73300. Student Services.

The application shall include a description of student services, if any, including provisions for academic counseling, tutoring, and textbook purchases.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73310. Recordkeeping; Custodian of Records.

(a) The application shall contain a description of how records required by the Act or this chapter are or will be organized and maintained, the types of documents contained in student files, how the records are stored, and whether academic and financial records are maintained in separate files. The description shall include a statement of the institution's procedures for security and safekeeping of records.

(b) The description shall include the name, home address and telephone number of the custodian of records, and the address and telephone number of the office where the records will be maintained.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94850, 94851, 94854, 94874 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73320. Copy of Catalog.

The application shall include a copy of the institution's catalog, including addenda reflecting newly approved educational services, in published or proposed–to–be–published form, and which meets the requirements of the Act and of Section 73750 and, if applicable, Section 73760 of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94814, 94850, 94851, 94859 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73330. Job Placement Assistance.

If an institution represents to the public, in any manner, that it offers job placement assistance, the application shall include a description of the job placement assistance that it provides.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73340. Self–Monitoring Procedures.

The application shall contain a description of the procedures used by the institution to monitor and assure compliance with the Act. The description shall specify, at a minimum, all of the following:

(a) The nature and frequency of training sessions or staff meetings involving compliance;

(b) The distribution of policies and procedures manuals or memoranda concerning the law and compliance issues;

(c) The designation of personnel with compliance responsibilities;

(d) The nature and extent of supervision of employees, agents, representatives, instructors, and administrators by owners, officers, corporate directors or members of the governing body, and administrators.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73350. Claim of Exemption.

If an institution claims that the institution or a course or other educational service it offers is exempt from Article 7, the institution shall state in the application the specific exemption or exemptions that it claims.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94790, 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73360. Entrance Tests.

If applicable, the application shall contain the information required by subdivision (e) of Section 94872 of the Code regarding entrance tests and procedures.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94872 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73380. Operational Plan.

(a) If an operational plan is required under Section 94915, the institution shall file with the application an operational plan which shall include the following items:

(1) An analysis of the need for the proposed educational services in the locale in which the institution proposes to offer the educational service and of the population to be served.

(2) A description of how the background and experiences of the owner(s) and the board will help the venture to succeed.

(3) A detailed timeline for implementation of the plan, the approximate date for the state's on–site review and the target date for initial enrollment.

(4) An outline of the plan for monitoring the budget, enrollment projections, outcomes and adherence to the plan during the start–up phase; and a list of goals and milestones for the first three years of operation.

(5) A financial plan for the first three years outlining the sources of revenue, assumptions underlying the revenue and capital. The financial plan shall include a projection of expenses including: all personnel costs, instructional costs other than personnel, student services expenses, library/learning center resources, advertising and marketing expenditures, travel, plant operations, debt service, capital investments.

(6) A projected enrollment by course or other educational service by year for the first three years of operations.

(7) A detailed plan for the addition of teaching personnel during the first three years.

(8) If the operational plan calls for physical plant expansion during the initial three years of the business, the expansion plan.

(b) The operational plan shall include a reviewed financial statement which shall comply with Section 73860 of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94804, 94855 and 94915(f) and (g), Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (a) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73390. Additional Information.

(a) The institution shall include in the application any material facts which have not otherwise been disclosed in the application that might reasonably affect the Bureau's decision to grant an approval to operate.

(b) The institution shall also include in the application any other facts which the institution would like the Bureau to consider in deciding whether to grant an approval to operate.

(c) For the purposes of this section, a fact is "material" if, without its inclusion into the application, the information contained in the application would be false, misleading, or incomplete.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94804, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (a) and (b) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73400. Unavailable Information.

If an institution is unable to provide the information required by this article solely because it, or the branch campus for which the application is filed, has not yet operated in California, the institution shall so indicate on the application form.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73410. Approval for A Particular Educational Service, Course, or Program.

If the institution is applying for approval to offer a particular educational service, course, or program of instruction, training, or study at a campus that had not offered the educational service, course, or program at the time the institution applied for approval to operate that campus, the application shall contain the information required by Section 73110 and the information pertaining to that particular educational service, course, or program that is required by Sections 73190, 73200, 73210, 73220, 73230, 73240, 73270, 73280, 73320 (a copy of the catalog or supplement pages referring to the educational service), 73330, 73350, 73360, 73390, and 7340. The application shall contain the signatures and certification required by Sections 73430 and 73440.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of section transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73420. Student Records.

An institution shall submit a copy of each of the following with the application:

(a) An attendance form;

(b) A student progress or grade data form;

(c) A form that records the student's previous education and training;

(d) A copy of the document awarded upon successful completion of the educational service which shall comply with the requirements of section 73780 of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73430. Certification of Compliance.

The application shall contain a statement that the person or persons who sign the application certify to the best of their knowledge that the institution and each signatory comply with all applicable laws regarding the operation of the institution.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94800, 94802, 94831, 94850, 94851, 94985 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73440. Signatures and Certification.

(a) The application shall be signed, and each fact stated therein shall be declared to be true under penalty of perjury, as follows:

(1) By each owner of the institution,

(2) If the institution is incorporated, by each owner of ten percent (10%) or more of the stock,

(3) If the institution is incorporated and the stock is publicly traded through a stock exchange, by the president or chief executive officer of the corporation, or

(4) By each member of the governing body of a nonprofit corporation.

(b) The declaration shall be in the following form:

"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ _____

(Date) (Signature)"

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73470. FAA Certified Flight Schools.

Federal Aviation Administration (FAA) certified flight schools shall submit with their applications all of the material required by the certifying federal agency including the institution's catalog or course syllabus. If this chapter requires submission of materials not required by the FAA, the institution shall include a summary of the information contained in the materials in the application form.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94930 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73480. Truck Driving Schools.

(a) In addition to the other requirements of this article, a truck driving school shall include in its application all of the following information:

(1) A certificate of insurance from the school's insurance company verifying that the school is in compliance with liability insurance requirements specified in Section 11103 of the Vehicle Code;

(2) A list of the vehicles used in training which shows each vehicle's license number and vehicle identification number;

(3) For each vehicle identified in paragraph (2), a copy of the records of the most recent vehicle inspection performed pursuant to Section 34505.5 of the Vehicle Code showing that the vehicle is in safe operating condition.

(b) Additionally, the application shall contain all of the following information regarding each truck driving instructor:

(1) A copy of a certificate or letter verifying satisfactory completion of instruction in the teaching of driver education and driver training acceptable to the Department of Motor Vehicles;

(2) Verification from the Department of Motor Vehicles that the instructor has passed an examination required by the Department of Motor Vehicles on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques;

(3) A copy of a valid California Class A driver's license for each instructor;

(4) A copy of a printout of each instructor's driving record issued by the Department of Motor Vehicles within the 30–day period immediately preceding the filing of the application;

(5) A copy of a high school diploma or other document evidencing passage of the General Education Development test for each driving instructor.

(c) Each vehicle used in training shall be maintained at all times in safe operating condition and shall comply with all applicable federal and state vehicle safety requirements, including the safety requirements promulgated by the California Highway Patrol in Chapter 6.5 (commencing with Section 1200) of Division 2 of Title 13 of the California Code of Regulations.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94915 and 94925, Education Code; and Division 14.8 (commencing with Section 34500) of the Vehicle Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including repealer of subsections (a)(2) and (a)(4), new subsections (a)(3) and (c) and subsection relettering and amendment of NOTE transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 3. Processing of Applications for Approval

§ 73500. Processing Time for Completed Applications.

Action by the Bureau pursuant to Education Code section 94915(c), (e), (f), (g) and (h) shall not commence until a completed application for approval to operate has been submitted to the Bureau for its review.

(a) Within 30 days after receipt of an application for approval to operate as required by Article 2 of this chapter, the Bureau shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Bureau shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(b) The Bureau shall consider an application to be complete if it appears that the institution has submitted all of the information, documents, and fees required by the Act and by Article 2 of this chapter.

(c) Nothing in this article shall prevent the Bureau from requesting that the institution provide information, documents, or other evidence which the Bureau deems necessary for the evaluation of the institution's application or approval to operate.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94915, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73520. Change in Circumstance Affecting Application Information.

(a) If, after the submission of an application but prior to the Bureau's decision to approve or deny an approval to operate, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Bureau in writing.

(b) For the purposes of this section, a change in circumstance is "material" if, without the inclusion of the new or different information into the application, the information contained in or the supporting documentation to the application would be false, misleading, or incomplete.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: 94802, 94850, 94851 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (a) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73530. Priority of Review.

The Bureau may, in its discretion, give priority to the review of complete applications for approval to operate in the following order:

(a) Applications filed in connection with a change of ownership as provided in Section 74030 of this chapter;

(b) Applications filed by institutions at least 180 days before the expiration of their existing approval to operate;

(c) All other applications.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending first paragraph and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73540. Length of Approval to Operate.

The Bureau shall set the expiration date of an approval to operate for an institution and its branch campuses at 120 days after the close of the institution's fiscal year or other reasonable date, but in no event shall an approval to operate be valid for more than three years after the date of issuance.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 4. Change of Institutional Name

§ 73550. Application for Approval to Change Name.

An institution shall notify the Bureau 30 days in advance of any change in its name.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94832 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of section transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73560. Contents of Application.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311 and 94316.3, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Repealer filed 10–14–92; operative 10–14–92 (Register 92, No. 42).

§ 73570. Approval of Name Change.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311 and 94316.3, Education Code. Sections 15735 and 15736, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Repealer filed 10–14–92; operative 10–14–92 (Register 92, No. 42).

§ 73580. Payment of Fees, Costs, and Expenses.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311, 94316.3 and 94331, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Repealer filed 10–14–92; operative 10–14–92 (Register 92, No. 42).

§ 73590. Notice of Denial; Right to Hearing.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311 and 94316.3, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Repealer filed 10–14–92; operative 10–14–92 (Register 92, No. 42).

Article 5. Change in the Location of Instruction

§ 73600. Application to Change Location Required.

(a) An institution shall apply in writing to the Bureau for an approval to change the location of its main campus or the location of a branch campus. The application shall be submitted at least 60 days prior to the proposed date of the change in location unless the change is necessitated by an emergency, as set forth in Section 73650 of this chapter.

(b) The Bureau shall inform an institution in writing within 10 days of receipt of an application for a change in the location of instruction that the application is complete and accepted for filing, or that the application is deficient and what information is required.

(c) The review of the request and the decision of the Bureau shall be made within 30 days of receipt of the application, in accordance with Education Code section 94873(h)(2) and section 73640 of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94803(o), 94873(h)(2) and 94915, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73610. Contents of Application for Change in Location.

(a) The application for a change in location shall be made in writing and shall contain, at a minimum, the following information:

(1) The name, current and proposed addresses, and telephone number of the institution;

(2) A description of the proposed physical facilities;

(3) A description of any equipment to be used at the proposed facilities that is different from the equipment used at the present facility;

(4) A statement, together with an explanation, if there will be any instructors teaching at the proposed facilities who are not currently teaching at the present facilities;

(5) The date on which the institution intends to offer instruction at the new location;

(6) The distance between the approved location and the proposed new location;

(7) An identification of the public transportation that is available between the two locations;

(8) The estimated travel time between the two locations by car and by public transportation at the time of day students would need to travel to reach class on time;

(9) The reason for the move;

(10) A description of the actions taken to notify students, the dates on which notice was provided, and the name of the person who provided notice;

(11) A statement that the person (or persons) whose signature(s) appear(s) upon the application certify(ies) to the best of his/her knowledge that the institution and each signatory comply with all applicable law regarding the operation of an institution;

(12) A statement that the institution has informed students of the change as provided in Section 73620 and, if applicable, Section 73630(a) of this chapter.

(b) The application for a change in location shall be signed under penalty of perjury.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94873 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73620. Notice to Students of Change in Location.

(a) An institution shall notify students that it intends to move the location of class instruction. The notice shall be given both orally and in writing. The written notice shall be either mailed or delivered to each student.

(b) If the institution proposes to move before it enrolls a student, it shall notify the student of the proposed move before the student enrolls. In all other circumstances, the institution shall notify students no later than the time the institution applies for approval to change location.

(c) If the location of an institution subject to Article 7 will be moved more than five miles, the institution shall notify the students of which option under subdivision (h) of Section 94873 of the Code that the institution has selected. The institution shall comply with the provisions of the option selected by the institution.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94873 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (c) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73630. Approval to Change Location Pursuant to Section 94873(h)(2) of the Code.

If an institution wishes to obtain Bureau approval to move the location of class instruction pursuant to paragraph (2) of subdivision (h) of Section 94873, all of the following apply:

(a) In addition to the information prescribed by Section 73620(c) of this chapter, the institution shall notify students on or before the date the institution submits its application of what, if any, services the institution intends to provide the students to assist them in attending the new location and that students have the right to express their opinions in writing or by telephone to the Bureau and have those opinions considered by the Bureau before it decides whether to approve the move. The notice shall also state that the Bureau may, but is not required to, send a member of the Bureau's staff to the students' class to hear the students' opinions concerning the proposed move. The notice shall contain the address and telephone number of the Bureau. The notice to the students shall be given orally to each class and shall be mailed or delivered to each student. A copy of the notice shall be posted in each classroom.

(b) The application shall include all of the following:

(1) The information required by the provisions of Section 73610 of this Chapter;

(2) What, if any, provisions will be made to provide students with transportation, child care, or other services to mitigate the effects of the move;

(c) A student may submit comments to the Bureau by any of the following methods:

(1) By a telephone conversation with a staff member of the Bureau;

(2) By a letter mailed to the Bureau's office in Sacramento, California;

(3) At the Bureau's discretion, at a meeting between Bureau staff and the student.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94873 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section heading, section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73640. Bureau Approval.

(a) The Bureau shall grant the approval within 30 days of its receipt of a complete application if the Bureau determines the following:

(1) The move would not affect the institution's compliance with the Act and this chapter, and

(2) The move would not be unfair or unduly burdensome to students after considering such factors as the distance and travel time between the two locations, the availability of public transportation between the two locations, comments received from students, expense incurred by students, the reasons for the move, and any other relevant matter.

(b) The Bureau may approve the application subject to reasonable conditions such as ordering the institution to provide transportation, reimburse costs, or pay refunds to certain adversely affected students.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94873 and 94915, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section heading, section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73650. Emergency Application for Change in Location.

(a) An institution may submit a written application for a change in location necessitated by an emergency affecting the health or safety of students or personnel using the institution's facilities. The emergency application shall contain the reasons why an immediate change in the location of instruction is necessary. The application shall be signed under penalty of perjury.

(b) Within three days of receipt of an emergency application for approval to change location, the Bureau shall inform the institution in writing if the application is complete and accepted for filing, or that the application is deficient and what information is required.

(c) The Bureau shall approve an application for an emergency change in location within 10 days of receipt of a complete application if the Bureau determines all of the following:

(1) There exists health or safety perils which necessitate the immediate change in location of the institution's main campus or a branch campus,

(2) The move would not affect the institution's compliance with the Act and this chapter, and

(3) The move would not be unfair or unduly burdensome to students after considering such factors as the distance and travel time between the two locations, the availability of public transportation between the two locations, comments received from students, expense incurred by students, the reasons for the move, and any other relevant matter.

(d) The Bureau may approve the application subject to reasonable conditions as prescribed by Section 73640(b) of this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94873 and 94915, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (b), (c) and (d) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 6. Certificate of Authorization for Service

§ 73660. Application for Certificate of Authorization; Applicability.

Except as provided in Section 73690 of this chapter, no person shall act as an instructor or administrator at an institution subject to the requirements of section 94915 of the Code unless that person first applies for, and the Bureau issues, a certificate of authorization for service.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94831, 94877, 94915 and 94985, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect adding new article 6 and amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73670. Contents of Application.

(a) An application for a certificate of authorization for service shall be made in writing and shall be signed by the applicant under penalty of perjury.

(b) An application for a certificate of authorization for service shall contain the following information:

(1) The applicant's name, address, telephone number, social security number, and driver's license number (if a license has been issued);

(2) Evidence establishing that the applicant satisfies the standards established by the Act and this chapter;

(3) A statement of the area of competence in which the individual will serve and a detailed description of the applicant's education and employment background that establishes that the applicant possesses adequate academic, experiential, and professional qualifications to perform in that area of competence;

(4) A statement that the applicant has not:

(A) been convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of federal or state funds, or,

(B) been judicially or administratively determined to have committed any violation of the Act or of any law involving state or federal funds.

(c) The application for a certificate of authorization for service shall be accompanied by the fee prescribed by the Act or by this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Section 94915, 94920 and 94932, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73680. Bureau Review and Decision.

(a) Within ten days of receipt of the application, the Bureau shall inform an applicant for a certificate of authorization for service in writing that the application is complete and accepted for filing, or that the application is deficient and what information is required.

(b) Within 30 days following the receipt of a complete application, the Bureau shall issue a certificate of authorization for service if the Bureau determines that all of the following criteria have been satisfied:

(1) The applicant for a certificate of authorization for service has met the standards established in the Act and this chapter;

(2) There are no grounds for denial as prescribed in paragraph (3) of subdivision (b) of Section 94915 of the Code;

(3) There are no grounds for denial as prescribed in Section 480 of the Business and Professions Code.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Section 94915 and 94920, Education Code; Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73690. Instructional Staff Vacancies.

When an unanticipated vacancy in the instructional staff exists, an institution may employ an instructor who satisfies the standards of the Code and this chapter but who does not hold a valid certificate of authorization if the instructor files an application with the Bureau for a certificate of authorization within one week after the instructor is hired.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Section 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 7. Institutional Operating Standards

§ 73700. Quality of Instruction; Educational Objectives.

(a) The institution shall have a curriculum that is designed to achieve the educational objectives of each educational service. The curriculum shall satisfy all of the following:

(1) The curriculum shall present those subject areas that are necessary for students to achieve the educational objectives of the educational service in which they are enrolled;

(2) The curriculum shall be designed for students with the type of educational background, skills, language abilities, and physical and mental capabilities who are enrolled in the educational service;

(3) The curriculum shall contain specific learning activities, including laboratory, workshop, externship, or other "hands on" activities, necessary for students to achieve the specific educational objectives;

(4) If the institution represents that the educational service leads to employment in particular occupations or job titles, the curriculum shall include sufficient education and training in the use of equipment, techniques, industrial processes, computer software, and other devices or procedures generally used in such employment to qualify the student for that employment;

(5) The curriculum shall have learning objectives leading to measurable outcomes which demonstrate that the student has obtained the types and levels of education, training, skill, and experience needed to achieve the educational objectives.

(b) If an institution represents that an educational service leads to employment, the analysis provided under Section 73210(a)(6) of this chapter shall demonstrate employer demand for the institution's graduates and the institution's probable satisfaction of Section 94854(a)(2) of the Code.

(c) The institution shall develop and implement a program to gather data, at least annually, from employers to determine whether the institution's curriculum, instruction, equipment, or other materials meet changes in the contemporary job market. The data shall be maintained by the institution as provided in Section 94874 of the Code.

(d) An institution's educational objectives for each educational service shall be deemed to include the following:

(1) The educational objectives identified in the institution's most recently filed application for approval to operate;

(2) The institution's representations in its catalog or any form of advertising indicating:

(A) The education, training, skills, or experience which students will be able to acquire, and

(B) The employment to which the educational service is represented to lead.

(3) If the institution represents that the educational service may lead to employment, the educational service shall be deemed to have the educational objectives of providing students with sufficient education, training, skill, and experience to obtain employment in the occupation or job title to which the educational service is represented to lead.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94831, 94832, 94850, 94854, 94875 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (b) and (c) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73710. Physical Facilities, Equipment, and Materials.

(a) The institution's physical facilities and the equipment used on the institution's premises or sold or provided for use to students shall comply with all health and safety requirements imposed by law. All instruction shall be performed and all equipment shall be used at the institution's physical facilities in a manner that complies with all health and safety requirements.

(b) All equipment of the type that is generally submitted to Underwriters' Laboratory or other similar testing facility for the determination of safety, such as electrical equipment, shall be approved by Underwriters' Laboratory or another similar testing facility before the equipment is used or sold or provided for use to students.

(c) The institution shall require students to use adequate protective gear for use with equipment as required by law, recommended by the manufacturer of the equipment, or commonly used in the industry in which the equipment is utilized.

(d) The institution shall maintain adequate safety apparatus or supplies, such as first–aid kits and fire extinguishers, to respond to reasonably foreseeable health and safety problems.

(e) If the institution represents that the educational service will fit or prepare a student for employment in particular occupations or as described in particular job titles, either of the following conditions shall be satisfied:

(1) The equipment used for instruction or provided to the student shall be comparable in model type or features to equipment generally used in those occupations or job titles at the time the instruction is offered (e.g., the same type of wordprocessing software or industrial machinery with similar features as generally used in the field of occupation).

(2) The institution shall establish that the equipment used for instruction or provided to the student is not obsolete and is sufficient for instructional purposes to reasonably assure that students acquire the necessary level of education, training, skill, and experience to obtain employment in the field of training and to perform the tasks associated with the occupations and job titles to which the educational service was represented to lead.

(f) Textbooks and other written materials used by the institution or provided to students, and library holdings to the extent related to the educational service, shall contain current and accurate information relating to the field of instruction. Textbooks and other written material shall be at a reading level, measured by a standard measure of readability, that students who are enrolled can read and comprehend.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94850, 94875 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73720. Instructors.

(a) Each institution shall employ instructors that are qualified and are sufficient in number to meet the requirements of the Act and achieve the educational objectives of each educational service offered by the institution.

(b) Each instructor shall possess the academic, experiential, and professional qualifications to teach the particular educational service and to perform the particular duties that the instructor is assigned. An instructor's possession of a certificate of authorization does not in itself demonstrate compliance with this subdivision.

(c) No instructor shall have engaged in any conduct constituting any ground for denial set forth in Section 480 of the Business and Professions Code.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94850, 94875, 94915 and 94920, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73730. Financial Aid Director and Officers.

(a) The financial aid director and financial aid officers shall have knowledge of applicable current law sufficient to properly administer the participation of the institution and its students in the financial aid programs and conform the institution's policies and practices regarding financial aid to the requirements of state and federal law.

(b) No financial administrator shall have engaged in any conduct constituting any ground for denial set forth in Section 480 of the Business and Professions Code.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94850, 94875, 94915 and 94920, Education Code; Section 480, Business and Professions Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73740. Officers, Directors, Owners.

Each owner, corporate director, chief executive or administrative officer, president, or other similar officer, and the school director, of an institution has the duty to act in the utmost good faith to do all of the following:

(a) Inquire into the operation of the institution and its compliance with all applicable law, including the requirements of the Act, this chapter, and state and federal law governing financial aid programs;

(b) Take all reasonable steps, within his or her capacity to direct the management, policies, or conduct of the institution, to cause the institution to comply with all applicable law and to correct the effects of noncompliance, including causing the institution to pay refunds or restitution if appropriate;

(c) Disclose to the Bureau the institution's failure to comply with all applicable law or to correct the effects of noncompliance if, notwithstanding the steps taken pursuant to subdivision (b), the institution fails either (1) to initiate steps to comply or to correct the effects of noncompliance within 30 days of the discovery of noncompliance or (2) to comply or correct the effects of noncompliance within 90 days of the discovery of the noncompliance;

(d) Disclose immediately to the Bureau, notwithstanding subdivision (c), evidence that the institution or any person connected with the institution has engaged in fraud, misrepresentation, misappropriation or other misuse of state or federal financial aid funds, or any violation of law prosecutable as a felony. A person who has a duty to make disclosures under subdivisions (c) and (d) is not required to disclose any matter to the extent of that person's privilege under Section 940 of the Evidence Code;

(e) Expend or authorize the expenditure of the institution's assets and funds, including tuition, fees, and other charges collected from on behalf of students, in a diligent and prudent manner to assure that students receive the education, training, instruction, materials, and student services including job placement assistance which meet the requirements of the Code and this chapter.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94850, 94851, 94879, 94881 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (c) and (d) and amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 8. General Provisions Regarding Institutional Operations

§ 73750. Catalog Requirements.

The catalog shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational services, procedures, or policies are implemented before the issuance of the next updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog. The catalog shall include all of the following:

(a) The specific beginning and ending dates defining the time period covered by the catalog;

(b) A list and description of the educational services offered, including the length of the educational service;

(c) A description of all of the occupations or job titles, if any, to which the educational service is represented to lead;

(d) A description of the faculty and their qualifications;

(e) A schedule of tuition payments, fees, and all other charges and expenses necessary for completion of each educational service offered, including the cost of equipment;

(f) A description of cancellation and refund rights. The catalog shall also identify the institution's publications in which the refund policy is stated;

(g) The total cost of tuition over the entire period;

(h) A description of the student's rights under the Student Tuition Recovery Fund established pursuant to Section 94944 of the Code;

(i) The institution's policies concerning the following:

(1) Admission requirements including the minimum level of education required;

(2) Entrance testing requirements;

(3) Attendance and student assignment schedules for home study or correspondence instruction;

(4) Student performance including student assessment policies and grading;

(5) Satisfactory academic progress;

(6) Tardiness;

(7) Rules of operation and student conduct;

(8) School location;

(9) Policies regarding record retention;

(10) Dropout and leave-of-absence policies.

(j) A statement whether the institution provides English-as-a- second language instruction;

(k) For institutions which participate in federal and state financial aid programs, all consumer information which the institution is required to disclose to the student;

(l) A student complaint procedure that complies with the provisions of Section 73770 of this Chapter;

(m) All other material facts, as required by Sections 94814(a)(8) and 94859(a)(4) of the Code, that might reasonably affect a student's decision to enroll.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94802, 94814, 94831, 94850, 94851, 94859 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order including amendment of opening paragraph and NOTE transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (h) and (m) and amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73760. Cosmetology School Catalog Requirements.

In addition to the requirements of 73750, catalogs for schools of cosmetology must also include the rules and procedures established by the school for keeping an account of student class hours and practice hours completed.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Section 94915(i), Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order including amendment of section transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73765. Monitoring Student Progress.

An institution shall maintain, implement, and disclose to students a policy for monitoring the progress of each student through successive stages of its educational services. The policy shall include (a) a program for individual notification of the student's academic progress and (b) upon the student's request, an opportunity for consultation concerning the student's academic progress.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73770. Student Complaint Procedures.

(a) Each institution shall designate at least one person to receive and resolve student complaints. The person shall:

(1) be publicly identified in a manner designed to provide students with reasonable notice, such as in the catalog or in the notice of student rights prescribed by Section 94866 of the Code and,

(2) be regularly accessible for reasonable periods of time before or after class sessions and during the range of time in which students are scheduled to attend the institution.

(b) The designated person shall have the authority and duty to do all of the following:

(1) Investigate the complaints thoroughly, including interviewing all people and reviewing all documents that relate or may potentially relate to the complaint;

(2) Reject the complaint if, after investigation, it is determined to be unfounded or to compromise or resolve the complaint in any reasonable manner, including the payment of a refund;

(3) Record a summary of the complaint, its disposition, and the reasons; place a copy of the summary, along with any other related documents, in the student's file, and make an appropriate entry in the log of student complaints as required by Section 73870;

(4) If the complaint is valid, involves a violation of law, and is not resolved within 30 days after it was first made by the student, notify the Bureau, the accrediting association, and law enforcement authorities of the complaint, investigation, and resolution or lack of resolution. A person who has a duty to provide notice under this paragraph is not required to disclose any matter to the extent of that person's privilege under Section 940 of the Evidence Code. If the authorized person does not provide all of the information required by this paragraph because of a claim of privilege under Section 940 of the Evidence Code, the institution shall appoint another person, who may not lawfully claim that privilege, to provide the omitted information.

(5) If the complaint is valid, determine what other students, if any, may have been affected by the same or similar circumstances and provide an appropriate remedy for those students;

(6) Implement reasonable policies or procedures to avoid similar complaints in the future;

(7) Communicate directly to any person in control regarding complaints, their investigation, and resolution or lack of resolution.

(c) A student may lodge a complaint by communicating orally or in writing to any teacher, administrator, admissions personnel, or counselor. The recipient of the complaint shall transmit it as soon as possible to the person authorized to resolve complaints and shall attempt to resolve complaints related to that person's duties.

(d)(1) If a student orally delivers the complaint and the complaint is not resolved either within a reasonable period or before the student again complains about the same matter, the institution shall advise the student that a complaint must be submitted in writing and shall provide the student with a written summary of the institution's complaint procedure.

(2) If a student complains in writing, the institution shall, within 10 days of receiving the complaint, provide the student with a written response, including a summary of the institution's investigation and disposition of it. If the complaint or relief requested by the student is rejected, the reasons for the rejection.

(e) The student's participation in the complaint procedure and the disposition of a student's complaint shall not limit or waive any of the student's rights or remedies. Any document signed by the student that purports to limit or waive the student's rights and remedies is void.

(f) The person authorized to resolve complaints under this section shall not be terminated from employment or suffer any diminution in compensation as a result of the appropriate and good faith discharge of duties under this section.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94832, 94866, 94876 and 94915, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (a)(1) and (b)(4) and amending NOTE filed 1-7-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73780. Documents of Completion.

(a) A document awarded upon successful completion of an educational service may be called a diploma, certificate of merit, certificate of completion, a transcript, or a letter, but it may not be called a "degree."

(b) The document awarded upon successful completion of an educational service must contain, as a minimum, the following:

(1) The document title;

(2) The institution's name;

(3) The institution's address; the institution's address may be identified as the address of its principal campus or administrative facility.

(4) The date of issuance;

(5) The recipient's full, legal name;

(6) The title of the educational service or course of study which has been completed.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94830 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73790. Disclosures; Performance Standards.

(a) No institution shall misrepresent or avoid or evade any of the disclosures required by Section 94859(a)(2) or 94816(a) of the Code, or the completion and employment standards prescribed by Section 94854 of the Code, for an institution or any of its campuses by changing the way courses are offered including changing location, closing campuses, or ceasing to offer an educational service at a campus.

(b) An institution shall make the disclosures required by Section 94859(a)(2) or 94816(a) of the Code for the campus at which the student will attend.

(c) If an institution (1) has not offered an educational service at the campus which the student will attend for a period sufficient to establish the completion or job placement rate pursuant to Section 94859(a)(2) or 94816(a) of the Code and (2) has offered the course at one or more other campuses, the institution shall make the required disclosures for each of the other campuses where the course was offered.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94816, 94832, 94850, 94851, 94854 and 94859, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 9. Additional Requirements for Institutions Subject to Article 7

§ 73800. Refunds under Section 94870 of the Code.

(a) The following definitions apply to terms used in Section 94870 of the Code and this section:

(1) "Registration fee" means all fees, however denominated, charged by an institution to students who withdraw from instruction.

(2) "Hour" exclusively means a period of time consisting of either of the following:

(A) A 50– to 60–minute class, lecture, or recitation;

(B) A 50– to 60–minute faculty–supervised laboratory, shop training, or internship.

(3) "Amount student has paid for instruction" includes all amounts which the student has paid, however denominated, including a registration fee, except for specific charges for equipment set forth in the enrollment agreement.

(b) A registration fee, up to the maximum amount permitted by Section 94870 of the Code, may be retained by an institution in the event of a student's withdrawal only if the registration fee is separately identified as a specific charge in the enrollment agreement.

(c) If an institution charges a registration fee, the registration fee shall be deducted from the amount paid for instruction before that amount is pro rated pursuant to the refund formula prescribed in Section 94870 of the Code.

(d)(1) The refund shall be computed by multiplying the amount the student has paid for instruction by a fraction. The fraction is the number of hours of instruction which the student has not received but for which the student has paid divided by the total number of hours of instruction for which the student has paid.

(2) For the purpose of complying with Sections 94869 and 94870 of the Code and this section, every institution shall accurately measure the length of, and academic progress in, every educational service in hours, as defined in subsection (a)(2), and shall identify the measurement for each educational service in the course syllabus and in the institution's application for approval to operate.

(3) This subsection does not apply to educational services offered by home study or correspondence.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94869 and 94870, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (a)(2) and repealer of subsection (a)(2)(C) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending article heading, section heading, section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73820. English–As–A–Second Language ("ESL") Instruction; Independent Test Administration for ESL Programs.

A test is "independently administered" within the meaning of Section 94865 of the Code only if all of the following conditions are satisfied:

(a) The test is administered in accordance with the procedures specified by the test publisher.

(b) The test is administered by a person who has no current or prior fiscal interest in the institution other than an arms–length arrangement to administer the examination.

(c) A test administrator, proctor, or scorer shall not be a current or former person in control, employee, representative, consultant, or student of the institution or an employee, representative, or person in control of another institution.

(d) If a testing or assessment center is used to administer the tests, the center shall not be owner, controlled, or operated by a current or former person in control of the institution.

(e) The institution shall maintain a record that the test was independently administered. The record shall include the test taken by the student, the date of the test, and the test score. The institution shall also keep on file a statement signed by the person administering the test and the president or chief executive officer of the institution that certifies that the test administrator has no direct or indirect relationship with the institution.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Section 94865, Education Code.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending first paragraph and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73830. Definitions.

The following terms used in this Section, Sections 73831 and 73832, and Section 94865 of the Code have the following meanings:

(a) "SPL" means Student Performance Level as established by the United States Department of Health and Human Services in Mainstream English Language Training Project (MELT) Resource Package published by the U.S. Dept. of Health and Human Services, Social Security

Administration, Office of Refugee Resettlement, Eric Document No. 264384 (1985). A number following the term "SPL", such as SPL 3, refers to a specific Student Performance Level.

(b) "Sixth grade level" means the completion of SPL 5 (Intermediate ESL).

(c) "Adequate proficiency in oral English" means the achievement of a score on a test of speaking or comprehending the spoken English language that satisfies the requirements of Section 73831 and Section 94865(*l*) of the Code.

(d) "Adequate proficiency in written English" means the achievement at a score on a test of reading or writing the English language that satisfies the requirements of Section 73831 and Section 94865(*l*) and Section 94865(m) of the Code.

(e) "Educational service presented in the English language" includes any programs of ESL instruction.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94865, Education Code.

HISTORY

1. New section filed 6–9–95; operative 7–10–95 (Register 95, No. 23).
2. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73831. Minimum Test Scores.

(a) For tests administered pursuant to Section 94865(d) of the Code, a student is deemed to have attained adequate proficiency in oral and written English if the student achieves a test score established by the test publisher as equivalent to at least (1) the completion of SPL 2 in oral English and SPL 2 in written English or (2) SPL 1 in oral English and SPL 3 in written English.

(b) For tests administered pursuant to Section 94865(e) or Section 94865(f) of the Code, a student is deemed to have attained adequate proficiency in oral and written English if the student achieves a test score established by the test publisher as equivalent to the higher of the following:

(1) Completion of SPL 5 in oral English and SPL 5 in written English;

(2) Completion of at least one SPL higher than the test score achieved by the student at the time of enrollment, if the student had scored the equivalent of SPL 5 or higher; or

(3) Completion of the level, if any, of English language proficiency for instruction or job performance, as determined by a federal or state agency or the publisher of a test described in Section 94865(*l*) of the Code.

(c) For tests administered pursuant to Section 94865(g) of the Code, a student is deemed to have attained adequate proficiency in oral and written English if the student achieves a test score established by the test publisher as equivalent to the higher of the following:

(1) Completion of SPL 5 in oral English and SPL 5 in written English;

(2) Completion of at least one SPL higher than the test score achieved by the student at the time of enrollment, if the student had scored the equivalent of SPL 5 or higher; or

(3) Completion of the level of English language proficiency needed to comprehend and be able to pass the examination.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94865, Education Code.

HISTORY

1. New section filed 6–9–95; operative 7–10–95 (Register 95, No. 23).
2. Change without regulatory effect amending section heading, section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73832. Recognition of Tests.

For the purpose of Section 94865(*l*) of the Code, a test may be considered recognized for the evaluation of English language proficiency only if the test satisfies all of the test standards of the American Psychological Association and National Council on Measurement and Education, including standards related to test purpose, normative sample information, predictive validity, test content validity, test reliability, and valid and reliable cut–off scores which are appropriate to SPL.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94865, Education Code.

HISTORY

1. New section filed 6–9–95; operative 7–10–95 (Register 95, No. 23).
2. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 10. Reports

§ 73850. Annual Report.

(a) Every institution shall file annually with the Bureau a report signed under penalty of perjury, by a person with personal knowledge of the facts set forth therein, that contains all of the following:

(1) The information required by Section 94808 of the Code, except for subdivision (a)(6) of Section 94808;

(2) A list of the educational services and courses of instruction offered;

(3) Financial information as required by subdivision (b);

(4) For institutions subject to Article 7, the following:

(A) The percentage figures described in subdivisions (a) and (b) of Section 94854 of the Code for the applicable time period for each course offered and the numbers on which those figures are based.

(B) The information required by paragraph (2) of subdivision (a) of Section 94859 of the Code.

(C) A statement that the information is maintained in compliance with subdivision (i) of Section 94854 of the Code and subdivision (b) of Section 94859 of the Code.

(D) The total number of students in each of the following categories:

(1) Students who enrolled in each educational service and course of instruction.

(2) Students who canceled pursuant to Section 94867 of the Code.

(3) Students who did not cancel pursuant to Section 94867 of the Code and withdrew before completion of the course or educational service.

(b)(1) An institution that collected seven hundred fifty thousand dollars ($750,000) or more in total charges in its preceding fiscal year shall file a review of financial statements covering that period in accordance with generally accepted accounting principles.

(2) An institution that collected less than seven hundred fifty thousand dollars ($750,000) in total charges in its preceding fiscal year, shall file a compilation covering that period in accordance with generally accepted accounting principles.

(3) If an institution files its biennial audit report of financial statements pursuant to Section 94862 of the Code, that report may be used in lieu of the financial report required by this section or by Section 94861 of the Code.

(c)(1) The report of information required by Section 94808 of the Code shall cover educational programs offered in the prior calendar year.

(2) The information required by paragraph (4) of subdivision (a) shall cover the applicable time period set forth in subdivision (k) of Section 94854 of the Code.

(3) The remaining information including the financial report shall cover the institution's preceding fiscal year.

(d) An institution shall file its annual report within 120 days after the close of its fiscal year. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94806, 94808, 94861 and 94862, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73860. Financial Reports.

(a) This section applies to every audit, review, or compilation of financial statements required to be filed by the Act or by this chapter.

(b) Institutional audits, reviews, and compilations or financial data shall comply with all of the following:

(1) The financial report shall be conducted and prepared in accordance with the generally accepted accounting principles established by the American Institute of Certified Public Accountants by an independent licensed certified public accountant who is not an employee, officer, or corporate director or member of the governing board of the institution.

(2) The financial report shall establish (A) whether the institution complies with Section 94804 of the Code or (B) if the institution is subject to Article 7, whether the institution complies with subdivision (a) of Section 94855 of the Code and whether any of the circumstances described in subdivision (b) of Section 94855 of the Code exist.

(3) If an audit performed to determine compliance with any federal or state student financial aid program reveals any failure to comply with the requirements of the program and the noncompliance creates any liability or potential liability for the institution, the financial report shall reflect the liability or potential liability.

(4) Work papers for the financial report shall be retained for five years from the date of the report and shall be made available to the Bureau upon request after the completion of the report.

(c) An audit shall be conducted in accordance with generally accepted auditing standards and shall include the matters described in subdivision (d).

(d) The Accountant shall obtain an understanding of the institution's internal financial control structure, assess any risks, and report any material deficiencies in the internal controls.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94808, 94861 and 94862, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (b)(1) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsections (b)(2) and (b)(4) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 11. Maintenance and Production of Records

§ 73870. Logs.

An institution shall maintain all of the following logs, kept current on a monthly basis:

(a) Drop–out log, which shall include the names, addresses, telephone numbers, and dates of withdrawal of all students who have dropped out of the institution during the calendar year.

(b) Complaint log, which shall include the name of each complaining student, a summary of each complaint, and a brief description of the disposition of the complaint.

(c) For institutions required to report placement data pursuant to subdivision (a) of Section 94816 of the Code, a placement log which shall include the name, address, and telephone number of each student who has obtained employment in any occupation or described in any job title to which the course was represented to lead, the placement date, the job title or description, and the name, address, and telephone number of the employer.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94705, 94770, 94771, 94802, 94829, 94850, 94851, 94854, 94859, 94867, 94869, 94874 and 94945, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of NOTE transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (c) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73880. Course Syllabus.

The institution shall have on file and make available for inspection a complete syllabus for each course or other educational service. After July 1, 1993, the course syllabus shall include the following:

(a) A short, descriptive title of the educational service;

(b) A statement of educational objectives;

(c) If the educational service is represented to lead to employment in any occupation or described in any job title, a complete list of occupations and job titles to which the educational service is represented to lead;

(d) Length of the educational service;

(e) Sequence and frequency of lessons or class sessions;

(f) Complete citations of textbooks and other required written materials;

(g) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured;

(h) Instructional mode or methods.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94874 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of opening paragraph transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73890. Permits.

The institution shall maintain on file all valid permits required by public agencies relating to the health and safety of the institution's facilities and equipment.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference cited: Section 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73900. Student Records.

(a) The institution shall maintain student records for each student, whether or not the student completes the educational service, for a period ending five years after the date of the student's graduation, withdrawal, or termination.

(b) The student records shall be retrievable by student name and shall contain all of the following applicable information:

(1) Written records and transcripts of any formal education or training relevant to the student's qualifications for admission to the institution;

(2) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;

(3) Copies of all tests given the student before admission, including ability to benefit tests and tests required by Section 94872 of the Code;

(4) Records of the dates of enrollment and, if applicable, withdrawal, leaves of absence, and graduation;

(5) A transcript showing all of the classes and courses or other educational services that were completed or were attempted but not completed and grades or evaluations given to the student;

(6) A copy of documents relating to student financial aid that are required to be maintained by law or by a loan guarantee agency;

(7) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;

(8) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for equipment, the method of calculating the refund, the date the refund was made, the check number of the refund, and the name and address of the person or entity to which the refund was sent;

(9) Copies of any official advisory notices or warnings regarding the student's progress;

(10) Complaints received from the student, including any correspondence, notes, memoranda, or telephone logs relating to a complaint.

(c) The institution shall maintain a exemplar of all notices and disclosures provided to students and a record of the time period within which each notice and disclosure was provided.

(d) The institution shall maintain records of student attendance.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94829, 94874 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsections (a) and (b) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (b)(3) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

§ 73910. Maintenance of Records.

(a) Except as required by federal law, an institution shall maintain all records required by the Act and this chapter that relate to the institution's compliance with the Act and this chapter for at least five years at the institution's primary administrative location in California. Unless the institution has applied for, and the Bureau has approved a change of the institution's primary administrative location, the primary administrative location shall be deemed to be the location identified in the institution's most recently filed application for approval to operate.

(b) A printed copy of each current record required by the Act or this chapter shall be maintained. Current records include records required by Section 73900 of this chapter for students who are attending the institution, who graduated or withdrew from the institution within the preceding one year, or for whom a refund is owed.

(c) A record that is no longer current may be stored on microfilm, microfiche, computer disk, or any other method of record storage only if all of the following apply:

(1) The record may be stored without loss of information or legibility for the period within which the record is required to be maintained by the Act;

(2) The institution maintains functioning devices that can immediately reproduce exact, legible printed copies of stored records. The devices shall be maintained in reasonably close proximity to the stored records at the institution's primary administrative location in California.

(3) The institution has personnel scheduled to be present at all times during normal business hours who know how to operate the devices and can explain the operation of the devices to any person authorized by the Act to inspect and copy records.

(4) Any person authorized by the Act to inspect and copy records shall be given immediate access to the document reproduction devices for the purpose of inspecting and copying stored records and shall, upon request, reimburse the institution for the reasonable costs actually incurred by the institution for the use of the institution's equipment and material to make copies. For the purpose of this paragraph, "reasonable costs" has the meaning specified in Section 1563(b)(1) of the Evidence Code.

(d) The institution shall maintain a second set of all records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (c), are maintained in a manner secure from damage or loss.

(e) If an institution closes, the institution and its owners are jointly and severally responsible to arrange at their expense for the storage and safekeeping in California of all records required to be maintained by the Act and this chapter for as long as those records must be maintained. The repository of the records shall make these records immediately available for inspection and copying, without charge except as allowed under subdivision (c), during normal business hours by any entity authorized by the Act to inspect and copy records.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference cited: Sections 94829, 94874 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (c)(4) and transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (a) and amending NOTE filed 1–7–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Chapter 5. Provisions Applicable to All Approved Postsecondary Institutions

Article 1. Fees and Payment Schedule

§ 74000. Fees and Penalties.

(a) The amount of a fee to be paid is based on the fee schedule, as set by the Act or these regulations, that is in effect on the date the fee is due.

(b) Fees shall be paid as follows:

(1) A separate annual fee shall be paid for each approval to operate that is issued by the Bureau.

(2) A separate application fee shall be paid for each application for approval at the time the application is submitted to the Bureau.

(3) All fees are due and owing on the date specified by the Bureau, or at the time any application for approval is submitted to the Bureau.

(c) Application fees and document fees are non–refundable.

(d) An institution that is more than 30 days delinquent in the payment of any fee shall pay a penalty fee of 20 percent of the amount of the fee that is delinquent.

(e) The Bureau shall deny a renewal of an approval to operate if the institution fails to submit at the time it files its application for approval to operate all unpaid fees, penalty fees, penalties, orders for reimbursement of costs and expenses, and assessments for, and reimbursement of all payments made to students from, the Student Tuition Recovery Fund.

(f)(1) If an institution fails to pay its annual fee and penalty fees within 30 days after the annual fee was due, the Bureau shall send the institution a notice by first–class mail indicating the Bureau's intent to initiate proceedings to revoke the institution's approval to operate within 15 days unless the institution does any of the following:

(A) Pays its annual fee and penalty fee.

(B) Provides evidence of payment.

(C) Establishes that no payment is owed.

(2) If the institution fails to do any of the acts described in subparagraphs (A) through (C) of paragraph (1) within the prescribed time period, the Bureau shall initiate proceedings to revoke the institution's approval to operate. Prior to taking any action for revocation, the Bureau will notify the institution of its right to request a hearing and present evidence. If a hearing is requested, it shall be limited to the issues of whether an annual fee or penalty was owed and, if so, whether the annual fee and penalty was paid when originally due.

(3) The procedure specified in this subdivision is cumulative to any other right or remedy the Bureau may invoke against an institution which fails to pay its annual fee or a penalty fee when originally due. Nothing in this subdivision restricts the Bureau's authority to bring other administrative or judicial action against an institution that fails to pay its fees when due.

(4) An institution whose approval to operate was revoked because of nonpayment of an annual fee or penalty fee may seek to obtain approval to operate only by filing an application for a new approval to operate.

(g) Subdivisions (d) and (f) do not create a "grace period" or an extension of the due date for the payment of fees.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94774, 94802, 94830, 94835, 94836, 94840, 94878, 94932, 94944, 94945, 94946 and 94965, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsections (f)(1), (f)(3) and (f)(4) and repealer and new subsection (f)(2) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74002. Definitions and References.

(a) The definitions set forth in this section apply only to the terms as used in this Article.

(b) "Annual gross revenue" means all revenue such as tuition, fees, and other charges derived by an institution, during its last fiscal year ending before the due date of an annual fee payment, from any source for any education, instruction, training, or any services incident thereto. "Annual gross revenue" does not include unearned tuition and refunds. An institution shall account for "annual gross revenue" in accordance with generally accepted accounting principles.

(c) "Article 7 of the Act" means the Maxine Waters School Reform and Student Protection Act of 1989, Article 7 (commencing with Section 94850) of Chapter 7 of Part 59 of Division 10 of the Education Code.

(d) "Chapter 2" means Chapter 2 (commencing with Section 71000) of Division 7.5 of Title 5 of the California Code of Regulations.

(e) "Chapter 4" means Chapter 4 (commencing with Section 73000) of Division 7.5 of Title 5 of the California Code of Regulations.

(f) "Code" means the Education Code.

(g) "Course of Instruction" means a program of instruction training, or education.

(h) "Degree program" has the meaning set forth in Section 71000(i) of Chapter 2.

(i) "Degree title" has the meaning set forth in Section 71000(j) of Chapter 2.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94790, 94900, 94901, 94905, 94915 and 94932, Education Code.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending subsection (c), repealing subsections (j)–(j)(4) and amending NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74004. Fee Schedule.

The Bureau shall establish a fee schedule containing all of the fees charged by the Bureau. The Bureau shall provide the fee schedule to any person upon request. No fee established in the fee schedule may exceed the maximum amount provided by this Article.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94932, Education Code.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74006. Annual Fee.

(a) Every institution shall pay the applicable annual fee within 30 days of the date on which the institution originally received its approval to operate and each year thereafter on the anniversary of the date of the original approval.

(b) An institution shall pay its annual fee in addition to any other applicable fees set forth in the fee schedule.

(c) Except as provided in subsection (e), the annual fee assessed to an institution shall be at least seven hundred dollars ($700) and shall not exceed the lesser of one percent of the institution's annual gross revenues or eight thousand dollars ($8,000).

(d) An annual fee of up to one hundred dollars ($100) for the Bureau's monitoring of exemption status under Section 94739 of the Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94710, 94915 and 94932, Education Code.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74008. Fees Payable by Institutions in Connection with Approval Under Sections 94900, 94901, and 94905 of the Code.

The Bureau may assess the following fees, not to exceed the maximum amounts set forth below, on institutions subject to approval under Sections 94900, 94901, and 94905 of the Code:

(a) A fee up to five thousand dollars ($5,000) for an original or reapproval application for up to five degree programs.

(b) A fee up to three hundred dollars ($300) for each additional degree program above five degree programs included in the original or reapproval application.

(c) A fee of up to three hundred dollars ($300) for each degree title which an institution applies for approval to add.

(d) A fee of up to two thousand eight hundred dollars ($2,800) for an application for approval to add degree programs in addition to the reimbursement of visiting committee expenses as provided in Section 71475 of Chapter 2. An institution may file one or more applications in a one–year period for approval to add a total of up to six degree programs. A separate fee shall be assessed for each application. If an institution seeks to add a total of more than six degree programs in any one–year period, the institution shall file a reapproval application with the fee prescribed in subsection (a).

(e) A fee of up to four hundred dollars ($400) for each course of instruction subject to Article 7 of the Act included in the original or reapproval application in addition to the fee prescribed in subsection (a).

(f) A fee of up to one thousand dollars ($1,000) in addition to the fee prescribed in subsection (a) if the institution offers a course of instruction subject to Article 7 of the Act.

(g) A fee of up to one thousand dollars ($1,000) in addition to other fees for adding courses of instruction, if the added course of courses of instruction are subject to Article 7 of the Act and the institution has not paid the fee described in subsection (f) in connection with its last application for approval or reapproval.

(h) A fee of up to three hundred fifty ($350) to change a main location.

(i) A fee of up to one hundred and fifty dollars ($150) to change a branch location.

(j) A fee of up to five thousand dollars ($5,000) for a change of ownership.

(k) A fee of up to three hundred dollars ($300), every three years for the processing of a statement of exemption under Section 94739(b)(6) of the Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94900, 94901, 94905 and 94932, Education Code; and 5 CCR sections 71000 et seq. and 72000 et seq.

[The next page is 402.21.]

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74010. Fees Payable by Institutions in Connection with Approval Under Section 94915 of the Code.

The Bureau may assess the following fees, not to exceed the maximum amounts set forth below, in connection with approval under Section 94915 of the Code:

(a) A fee of up to one thousand three hundred dollars ($1,300) for an original or reapproval application for up to five courses of instruction. A separation application fee shall be paid for the main location and for each branch location.

(b) A fee of up to two hundred dollars ($200) for each additional course of instruction above five included in an original or reapproval application.

(c) A fee of up to one thousand two hundred dollars ($1,200) for a new institution of a nonprofit public benefit corporation, organized pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, if the institution offers education limited to instruction in employment and skill training at no charge to people receiving the education.

(d) A fee of up to four hundred dollars ($400) for each course of instruction which an institution applies for approval to add.

(e) A fee of up to one thousand dollars ($1,000) in addition to the original or reapproval application fee if the institution offers a course of instruction subject to Article 7 of the Act.

(f) A fee of up to one thousand dollars ($1,000), in addition to other fees for adding courses of instruction, if the added course or courses of instruction are subject to Article 7 of the Act and the institution has not paid the fee described in subsection (e) in connection with its last application for approval or reapproval.

(g) A fee of up to one thousand three hundred dollars ($1,300) for a change of ownership.

(h) A fee of up to three hundred and fifty dollars ($350) for each change of a main or branch location.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94915 and 94932, Education Code; and 5 CCR section 73000 et seq.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74012. Short Course Institutions.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94311, 94331 and 94331.5, Education Code.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Repealer filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This action remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
3. Reinstatement of section as it existed prior to 5–14–98 emergency repeal by operation of Government Code section 11346.1(f) (Register 99, No. 45).
4. Change without regulatory effect repealing section filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74014. Institutions Subject to Section 94931(c)(3) of the Code.

The Bureau may assess the following fees, not to exceed the maximum amounts set forth below, on institutions subject to Section 94931(c)(3) of the Code:

(a) A fee of up to eight hundred fifty dollars ($850) for an original filing.

(b) A fee of up to three hundred fifty dollars ($350) for every annual filing after the original filing.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94742.1, 94931(c)(3) and 94932, Education Code.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Repealer filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This action remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
3. Reinstatement of section as it existed prior to 5–14–98 emergency repeal by operation of Government Code section 11346.1(f) (Register 99, No. 45).
4. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74015. Fee Schedule Required by Section 94932(c) of the Education Code.

NOTE: Authority cited: Sections 94774, 94778 and 94770, Education Code. Reference: Section 94932(c)(2) and (3), Education Code.

HISTORY

1. New section filed 1–8–98 as an emergency; operative 1–8–98 (Register 98, No. 2). A Certificate of Compliance must be transmitted to OAL by 6–30–99 or emergency language will be repealed by operation of law on the following day (Education Code section 94778).
2. Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 5).

§ 74016. Agents and Agencies.

The Bureau may assess the following fees, not to exceed the maximum amounts set forth below, on agents and agencies:

(a) A fee of up to one hundred twenty–five dollars ($125) for an application for an agent's permit under Section 94940 of the Code.

(b) For an application for agency authorization under Section 94942 of the Code, a fee of up to one thousand six hundred fifty dollars ($1,650) if there are three or more agents and a fee of up to nine hundred dollars ($900) if there are less than three agents.

NOTE: Authority cited: Sections 94932, 94934, 94940 and 94942, Education Code. Reference: Sections 94932, 94940 and 94942, Education Code; and 5 CCR section 75000 et seq.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74018. Certificates of Authorization.

The Bureau may assess a separate fee of up to seventy–five dollars ($75) for each three–year certificate of authorization permitting service in one of the particular positions listed in Section 94920(b) of the Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94915, 94920 and 94932, Education Code; and 5 CCR section 73660 et seq.

HISTORY

1. New section filed 11–15–93 with Secretary of State pursuant to Governor's decision to overturn OAL's decision of disapproval; operative 12–15–93 (Register 93, No. 47).
2. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Article 2. Change of Ownership or Control

§ 74020. Definitions.

As used in section 94846 of the Code or in this Article:

(a) "Shift in control" or "change in control" means any change in the power or authority to manage, direct, or influence the conduct, policies, and affairs of an institution from one person or group of people to another person or group of people. A "shift in control" or "change in control" may but need not involve a transfer of any property interest. A "shift in control" or "change in control" may include a shift in the voting control of

corporate stock from one person or group to another, the acquisition of sufficient stock by a minority shareholder to gain control of the institution, the transfer of voting rights to a voting trust, the transfer of any ownership interest to any trust in which the owner does not have the same degree of control as before the transfer, and the transfer of authority to manage the institution by the owners to another. A "shift in control" or "change in control" does not include the owner's replacement of an individual administrator with another natural person if the owner does not transfer any interest in the institution or relinquish any control of the institution to that person.

(b) Where a shift in control or change in control is proposed, the "Applicant" means any person who would acquire any property or ownership interest in an institution, or any power or authority to manage, direct, or influence the conduct, policies, and affairs of an institution, as the result of a "change of ownership," "shift in control," or "change in control," as defined in subdivision (e) of Section 94846 of the Code or this section.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94846, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74030. Application for Change of Ownership.

(a) No change of ownership, change in control, or shift in control shall take place or have any validity or effect until the applicant applies for approval and the Bureau grants approval for a change of ownership or shift or change in control.

(b) The application shall be made in writing and shall contain or be accompanied by all of the following:

(1) An application for a new approval to operate, which may incorporate by reference information contained in the institution's most recently filed application for approval to operate to the extent that information applies and is not misleading as to the applicant;

(2) A detailed description of the change of ownership or shift or change in control;

(3) The prescribed fee.

(c) The application shall be signed, and each fact stated therein shall be declared to be true under penalty of perjury, by each applicant. The declaration shall be in the following form:

"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

_____ _____

(Date) (Signature)"

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94739, 94802 and 94846, Education Code; and Section 2015.5, Code of Civil Procedure.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (a) and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74040. Completion of Application.

(a) Within 15 days after receipt of an application for a change of ownership or shift or change in control described in Section 74030 of this chapter, the Bureau shall notify the applicant in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Bureau shall specify in the notice what additional information or documents the applicant must submit for the application to be deemed complete.

(b) The Bureau shall consider that an application for a change of ownership or shift in control is complete if it appears that the applicant has submitted all of the information and documents required by Section 74030 of this chapter, including the application and all supporting information and documents for a new approval to operate.

(c) The time period specified in Section 74050 of this chapter for action by the Bureau on an application shall not commence until the Bureau has received a complete application.

(d) Nothing herein prevents the Bureau from requesting that the institution or the applicant provide further information, documents, or other evidence which the Bureau deems necessary or appropriate for its evaluation of the applicant, the institution, or the application.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94802, 94840 and 94846, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74050. Processing Time.

(a) Except for investigations and disciplinary matters, the review of an application for a change of ownership or a shift or change in control shall be given the highest priority by the Bureau.

(b) The Bureau shall a make a decision on the merits within 90 days of receiving a complete application unless the Bureau extends the time for a period not to exceed 90 days to examine information received after the filing of the complete application. The Bureau shall approve the application unless any ground for denial exists as provided in the Act or this chapter.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94802, 94840, 94846, 94900, 94901, 94905 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Article 3. Probation

§ 74100. Probation.

(a) This section applies to an order of probation issued pursuant to subdivision (h) of Section 94901 or subdivision (j) of Section 94915 of the Code.

(b) When the Bureau determines that an institution has deviated from any of the standards for approval and that an order of probation may be appropriate, the Program Administrator, on behalf of the Bureau, shall provide the institution with written notice of the following:

(1) The Bureau's intent to place the institution on probation and the proposed terms of probation;

(2) The grounds for the action with sufficient particularity to give notice of the transactions, occurrences, violations, or other matters on which the action is based;

(3) The right to a hearing and the time period within which the party subject to the notice may make a written request for a hearing. The time period shall not be less than 15 days after service of the notice unless a longer period is provided by statute;

(4) The nature of the hearing;

(5) That the administrative action set forth in the notice will be taken and shall become final if the party subject to the notice does not make a written request for a hearing within the time period expressed in the notice.

(c) If a hearing is not requested in writing within the time period prescribed in the notice, the order of probation set forth in the notice shall become final.

(d) If a hearing is requested, the hearing shall be limited to the presentation of written evidence. All testimony shall be in the form of declarations.

(e) If a hearing is requested, the Program Administrator shall furnish the institution with copies of the written evidence upon which the Bureau relies. No other discovery shall be permitted.

(f) The Program Administrator shall make a decision that shall be based exclusively on the evidence furnished by the institution and the evidence provided to the institution. The decision shall be supported by substantial evidence in the record. The Program Administrator shall issue a brief written statement of decision explaining the factual and legal basis for the decision as to each of the grounds for the probation set forth in the notice. An order of probation based on the Program Administrator's decision shall be issued and shall be effective upon service by certified mail or personal service or at such other time designated in the order. The Program Administrator shall serve a copy of the decision and order, within 10 days of their issuance, on each party and its counsel. Unless review is sought as provided in subdivision (g), the decision and order shall be final.

(g)(1) Any party aggrieved by the Program Administrator's decision or order may file a written request with the Director, within 10 days of the service of the Bureau's decision and order, for the Director's review of the decision and order.

(2) The Director's review shall be limited to the written evidence presented at the hearing.

(3) The Director may affirm all or any portion of the decision or order by adopting the provisions to be affirmed. The Director may modify or reverse all or any portion of the decision or order and shall issue a brief written statement explaining the factual and legal basis of the Director's decision.

(4) The Director's decision and order shall be issued within 30 days after the date in which the matter was submitted to him or her or within any additional period not to exceed 30 days that may be ordered by the Director. The Director's decision and order is final and shall be effective upon service by certified mail or personal service or at such other time as designated in the order. The Director shall serve a copy of the final decision and order, within 10 days of their issuance, on each party and its counsel. The Program Administrator's decision and order shall remain in effect until the effective date of the Director's decision and order.

(h)(1) Any party aggrieved by the Director's final decision and order may seek judicial review by filing a petition for a writ of mandate pursuant to Section 1094.5 of the Code of Civil Procedure within 30 days of the issuance of the final decision and order. If review is not sought within that period, the party's right to review shall be deemed waived.

(2) The aggrieved party shall present the complete record of the hearing or all portions of the record necessary for the court's review of the Director's final decision and order. The Director shall furnish the party with a certified copy of the record within 10 days of a written request upon the party's payment of the cost of the records preparation. The factual bases supporting the final decision set forth in the Director's statement of decision shall be conclusive if supported by substantial evidence on the record considered as a whole.

(i) No institution has a right to a hearing on the issue of whether the Program Administrator should have initiated the action.

(j) If the Bureau determines that the institution is not following the terms of probation or has not taken reasonable steps to conform to the standards prescribed by the Act and this chapter, the Bureau shall institute action to suspend or revoke the institution's approval to operate as provided in the Act and this chapter. Nothing herein limits the ability of the Bureau to take any administrative or judicial action authorized by the Act at any time based on any violation.

NOTE: Authority cited: Sections 94965, 94774 and 94778, Education Code. Reference: Sections 94771, 94900, 94901, 94905 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Article 4. General Provisions

§ 74120. Substantial Relationship Criteria.

In determining whether any of the grounds for denial set forth in Section 480 of the Business and Professions Code exist, a crime or act shall be considered substantially related to the qualifications, functions, or duties of any owner, corporate director or member of the governing board, officer, administrator, or instructor under any of the following circumstances:

(a) The crime or act involves any violation of the Act or this chapter, the closure of an institution, fraud or misrepresentation, breach of fiduciary duty, any type of forgery or theft, or any type of dishonesty causing any financial loss.

(b) The crime, to a substantial degree, evidences present or potential unfitness to perform the functions and duties authorized or required by the Act or this chapter in a manner consistent with the public health, safety, or welfare, including a crime prohibited by Title 8 (commencing with Section 187) or Title 9 (commencing with Section 261) of the Penal Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 480 and 481, Business and Professions Code; and Sections 94830, 94846, 94900, 94901, 94905, 94915, 94940 and 94942, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74130. Criteria for Rehabilitation.

In determining whether any of the grounds for denial set forth in Section 480 of the Business and Professions Code exist, the Bureau shall consider evidence of rehabilitation and present eligibility for any approval or certificate issued by the Bureau, including all of the following factors:

(a) The nature and severity of the acts or crimes under consideration as grounds for denial;

(b) Evidence of any acts committed after the acts or crimes under consideration as grounds for denial that also could be considered grounds for denial;

(c) The time that has elapsed since commission of the acts or crimes described in subdivisions (a) and (b);

(d) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant;

(e) Evidence of any rehabilitation submitted by the applicant;

(f) Total criminal record;

(g) Evidence, if any, of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 480 and 482, Business and Professions Code; and Sections 94830, 94846, 94900, 94901, 94905, 94915, 94940 and 94942, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending first paragraph and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74140. Retention of Advertising.

Every institution shall retain, for a minimum of five years, copies of all advertising, including (a) flyers, brochures, newspaper, and other print advertisements, (b) scripts for, and audio and video recordings of, broadcast advertisements, and (c) scripts for telephone solicitations. The institution shall make these records immediately available for inspection and copying during normal business hours to site visit teams, the Bureau, and the agencies specified in Section 94952 of the Code.

NOTE: Authority cited: Sections 94774, 94778 and 94875, Education Code. Reference: Sections 94705, 94831, 94832, 94836, 94850, 94874, 94900, 94901, 94905, 94915 and 94952, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74150. Use of Term "University."

(a) For the purpose of this section, "university" means an institution of higher education that confers master's or doctor's degrees upon the completion of programs of graduate or professional study and that may also confer bachelor's degrees upon the completion of programs of undergraduate study.

(b) After the time period prescribed in subdivision (c), no institution shall use the word "university" in its name or in connection with a description of itself or its educational programs unless (1) the institution is a university as defined in subdivision (a) or (2) the institution uses other words in conjunction with "university" to prevent the use of "university" from being deceptive or misleading in any manner.

(c) This section applies to institutions established after the effective date of this section and to all other institutions after January 1, 1993.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94705, 94800, 94810, 94812, 94814, 94816, 94831, 94832 and 94850, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (a) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74160. Surrender of Approval.

Any person or institution may at any time voluntarily surrender an approval to operate, certificate of authorization, agent's permit, or agency authorization by providing written notice to the Bureau. The surrender shall be deemed irrevocable, and if the person or institution surrendering the approval, certificate, permit, or authorization desires to regain the surrendered status, the person or institution shall submit a new application.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94774, 94802, 94878, 94915, 94940, 94942 and 94944, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74170. Stipulations.

(a) The Director, on behalf of the Bureau, may enter into a written stipulation with any person or institution for an order to do any of the following:

(1) Impose probation;

(2) Impose a condition or restriction on, or the suspension or revocation of, an approval to operate, certificate of authorization, agent's permit, or agency authorization;

(3) Require the payment of fees, penalties, costs and expenses incurred by the Bureau, reimbursements to the Student Tuition Recovery Fund, or refunds or other amounts to or on behalf of students.

(b) The written stipulation shall disclose that the person or institution entering the stipulation has waived the right to notice, hearing, and appeal concerning the subject matter of the stipulation.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94771, 94774, 94830, 94835, 94878, 94915, 94940, 94942 and 94944, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74180. Abandonment of Application.

An application that has not been completed by the applicant in accordance with the Act and this chapter within one year after the application was initially filed shall be deemed abandoned. If an application has been abandoned, the applicant may seek approval to operate only by submitting a new application and fee.

NOTE: Authority cited: Section 94774, Education Code. Reference: Sections 94900, 94901, 94905 and 94915, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74190. Agents for Service of Process: Changes.

Every institution shall inform the Bureau in writing of any change in the name and/or address of the institution's agent for service of process. Until an institution serves the Bureau with a written notice of change in the agent's name and/or address, the institution shall be deemed to have consented to the Bureau's service of all documents, including administrative and judicial notices and pleadings, at the address of the agent for service of process last designated by the institution in writing to the Bureau.

NOTE: Authority cited: Sections 94774, 94778 and 94859(b), Education Code. Reference: Sections 94800 and 94818, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74200. Cessation of Educational Service.

Every institution shall notify the Bureau in writing at least 30 days before the institution ceases to offer any educational service.

NOTE: Authority cited: Sections 94774, 94778 and 94882, Education Code. Reference: Sections 94774, 94830, 94900, 94901, 94905, 94915 and 94944, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Article 5. Provisions Governing Temporary Approvals to Operate

§ 74300. Duration of Temporary Approvals.

A temporary approval to operate will remain in effect for at least 90 days, but not more than 360 days.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94900, 94901, 94905 and 94915, Education Code.

HISTORY

1. New article 5 (sections 74300–74320) and section filed 6–9–95; operative 7–10–95 (Register 95, No. 23).
2. Change without regulatory effect amending section heading and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74310. Temporary Approval Notice.

Every institution which receives a temporary approval to operate pursuant to Education Code Sections 94901(g) or 94915(f) shall include the following notice in its catalog and in any written material it distributes to students or prospective students which in any way is descriptive of that institution's approval status:

This institution has received a temporary approval to operate from the Bureau for Private Postsecondary and Vocational Education ("Bureau"). A temporary approval is merely an interim designation the Bureau can authorize pending a qualitative review and assessment of the institution. At the time it is issued, the Bureau has not yet conducted a site visit. It is issued if the Bureau determines the institution's operational plan satisfies the minimum standards listed in Education Code Sections 94900(a) or 94915(a) and (b), whichever is applicable. The temporary approval will remain in effect for at least 90 days, but not more than 360 days in order to enable the Bureau to conduct the site visit and inspection of the institution. After that visit, the Bureau will then determine whether the institution should be approved on a permanent basis.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94900, 94901, 94905 and 94915, Education Code.

HISTORY

1. New section filed 6–9–95; operative 7–10–95 (Register 95, No. 23).
2. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 74320. Temporary Approval Notice for Media.

Every institution which receives a temporary approval to operate pursuant to Education Code Sections 94901(g) or 94915(f) shall have the following notice included in any advertisements it causes to be published in the print or electronic media:

This institution has received temporary approval to operate from the Bureau for Private Postsecondary and Vocational Education in order to enable the Bureau to conduct a quality inspection of the institution.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94900, 94901, 94905 and 94915, Education Code.

HISTORY

1. New section filed 6–9–95; operative 7–10–95 (Register 95, No. 23).
2. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Chapter 6. Agents and Agencies

Article 1. Agents

§ 75000. Agent's Permits Required.

No person shall act as an agent, as defined at subdivision (d) of Section 94715 of the Code, unless the person first applies for, and the Bureau grants, a permit.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94715 and 94940, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 75020. Application for Agent's Permit.

(a) The application shall be made in writing indicating the year to which the application applies and shall be signed under penalty of perjury by the applicant.

(b) The application for an agent's permit shall contain or be accompanied by all of the following:

(1) The applicant's full name, business and residence addresses, telephone number, date of birth and driver's license number.

(2) The statement, bond, and fee prescribed by subdivision (a) of Section 94940 of the Code.

(3) A statement certifying that there are no grounds for denial of the permit under Section 480 of the Business and Professions Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94716 and 94940, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (b)(1) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (b)(2) and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 75030. Complete Application; Bureau's Decision.

(a) The Bureau shall inform an applicant for an agent's permit in writing within 30 days of receipt of the application that the application is complete and accepted for filing, or that the application is deficient and what information is required.

(b) Within 30 days following the receipt of a complete application, the Bureau shall issue an agent's permit if the Bureau determines that all of the following criteria have been satisfied:

(1) The applicant for an agent's permit has complied with Section 94940 of the Code and has not acted as an agent or agency, within three years before the filing of the application, in violation of Sections 94831, 94940, 94942, and, to the extent applicable, Sections 94832 and 94853 of the Code.

(2) There are no grounds for denial as prescribed in Section 480 of the Business and Professions Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94940, Education Code; and Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).

3. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 75040. Term of Permit.

An agent's permit shall terminate on December 31 of the calendar year in which it was issued. It may not be renewed, but the holder of the permit may apply for and obtain a new permit if all of the requirements of law are satisfied.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94940, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Article 2. Agencies

§ 75100. Agency Authorization Required.

No person shall operate as an agency, as defined in subdivision (b) of Section 94713 of the Code, unless the person or business entity applies for, and the Bureau grants, an authorization.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94713 and 94942, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 75110. Application for Agency Authorization.

(a) The application for an agency authorization shall be made in writing and shall be signed under penalty of perjury by the applicant.

(b) The application shall contain or be accompanied by all of the following:

(1) The applicant's full name, business and residence addresses, telephone number, date of birth and driver's license number;

(2) The information and bond required by Section 94942 of the Code;

(3) The prescribed fee;

(4) A statement certifying that there are no grounds for denial of the permit under Section 480 of the business and Professions Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94714 and 94942, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order including amendment of subsection (b)(1) transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending subsection (b)(2) and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 75120. Complete Application; Bureau's Decision.

(a) The Bureau shall inform an applicant for an agency authorization in writing within 30 days of receipt of the application that the application is complete and accepted for filing, or that the application is deficient and what information is required.

(b) Within 30 days following the receipt of a complete application, the Bureau shall issue an agency authorization if the Bureau determines that all of the following criteria have been satisfied:

(1) The applicant for an agency authorization has complied with Section 94942 of the Education Code and neither the applicant, the owners of the agency, nor the agency's employees have acted as an agency or as agents, within three years before the filing of the application, in violation of Sections 94831, 94940, 94942 and, to the extent applicable, Sections 94832 and 94835 of the Code.

(2) There are no grounds for denial as prescribed in Section 480 of the Business and Professions Code.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94940, Education Code; and Sections 15375 and 15376, Government Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending section heading, section and NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

§ 75130. Term of Permit.

An agency authorization shall expire one year after its issuance. The holder of the permit may apply for and obtain a new permit if all of the requirements of law are satisfied.

NOTE: Authority cited: Sections 94305, 94774 and 94778, Education Code. Reference: Section 94942, Education Code.

HISTORY

1. New section filed 3–12–92 as an emergency; operative 3–12–92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7–10–92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3–12–92 order transmitted to OAL 9–1–92 and filed 10–14–92 (Register 92, No. 42).
3. Change without regulatory effect amending NOTE filed 10–22–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).

Chapter 7. Student Tuition Recovery Fund

Article 1. General Provisions

§ 76000. Definitions.

For purposes of Sections 94944 and 94945 of the Code and this chapter, the following definitions apply:

(a) "Prepaid" describes any amount of money which an institution accepts in advance of rendering educational services.

(b) "Fund" means the Student Tuition Recovery Fund.

(c) "Tuition" means the actual amount charged each student for instruction, instructional materials, equipment costs and any other fee required of the student in order for the student to receive a certificate of completion or diploma attesting to the completion of the instruction required for such certificate or diploma. "Tuition" does not include costs of room and board, supplies, an application fee or transportation. For purposes of calculating assessment under section 94945, tuition does not include the STRF fee.

(d) "California resident" means a person who resides in California at the time the enrollment agreement is signed or when he or she receives lessons at a California mailing address from an approved institution offering correspondence instruction.

(e) "Closed institution" means an institution at which a closure has occurred.

(f) "Closure" as described in paragraph (1) of subdivision (a) of Section 94944 of the Code, also includes class instruction that ceases to be offered because the institution moved the location of the class instruction without compliance with subdivision (h) of Section 94873 of the Code and this chapter.

(g) "Economic loss" means pecuniary loss which is the sum of the student's tuition, cost of equipment and materials, and interest on student loans used to pay for tuition, equipment and materials, collection costs and penalties. Economic loss shall also include the amount the institution collected and failed to pay to third parties on behalf of the student for license fees or any other purpose. Economic loss does not include STRF

fees, application fees or non-pecuniary damages such as inconvenience, aggravation, emotional distress, or punitive damages.

(h) "Continuing student" is a student who signed an enrollment agreement before January 1, 2002 for classes starting on or after January 1, 2002. A continuing student is not a "new student," as defined in section 94945 of the Code.

(i) "Newly enrolled student" is a "new student," as defined in section 94945 of the Code.

(j) "Soon after" means, for the purposes of section 94944(d)(1)(F), within 90 days after an institution's closure.

(k) "Student Tuition Recovery Fund fee" or "STRF fee" means a state-imposed charge required to be paid by a California resident student who pays his or her tuition directly or through a loan to an institution.

(l) "Teach-out" means an arrangement whereby an institution offers to provide to a student, without any additional charge, all of the instruction promised but not provided to that student by a closed institution because of the closure.

(m) "Teach-out institution" means the institution offering a teach-out.

NOTE: Authority cited: Sections 94770, 94774 and 94778, Education Code. Reference: Sections 94825, 94852, 94873, 94944 and 94945, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Amendment of subsection (a) filed 6-9-95; operative 7-10-95 (Register 95, No. 23).
4. Amendment of section and NOTE filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

§ 76010. Teach-Out Plan.

An institution closing or not seeking renewal to operate before the completion of educational services by all enrolled students shall propose a written plan to assist the Bureau to develop teach-out options for students.

NOTE: Authority cited: Sections 94770, 94774 and 94778, Education Code. Reference: Section 94944, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Amendment of section and NOTE filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

Article 2. Assessment

§ 76100. Institutions Subject to Assessment.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Sections 94342 and 94343, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Repealer filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

§ 76110. Assessment Base.

NOTE: Authority cited: Sections 94305 and 94337, Education Code. Reference: Section 94343, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Repealer filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

§ 76120. Amount of Assessment.

(a) For enrollment agreements signed during the January 1, 2002 to December 31, 2002 period, an assessment of three dollars ($3.00) per one thousand dollars ($1,000) of tuition, rounded to the nearest thousand dollars, applies to each new student as tuition is paid or loans are funded on behalf of the student. For tuition paid of one thousand dollars ($1,000) or less, the assessment is three dollars ($3.00).

(b) Commencing with January 1, 2003, an assessment of two dollars and fifty cents ($2.50) per one thousand dollars ($1,000) of tuition, rounded to the nearest thousand dollars, applies to each new student as tuition is paid or loans are funded on behalf of the student. For tuition paid of one thousand dollars ($1,000) or less, the assessment is two dollars and fifty cents ($2.50).

(c) Continuing students, as defined under Section 76000(h), shall be assessed the fee in existence before January 1, 2002 as follows:

(1) Two dollars and fifty cents ($2.50) per student for a total course cost of one cent ($0.01) to two thousand nine hundred ninety nine dollars and ninety-nine cents ($2,999.99) inclusive.

(2) Three dollars and fifty cents ($3.50) per student for a total course cost of three thousand dollars ($3,000.00) to five thousand nine hundred ninety nine dollars and ninety-nine cents ($5,999.99) inclusive.

(3) Four dollars and fifty cents ($4.50) per student for a total course cost of six thousand dollars ($6,000.00) to eight thousand nine hundred ninety nine dollars and ninety-nine cents ($8,999.99) inclusive.

(4) Five dollars and fifty cents ($5.50) per student for a total course cost of nine thousand dollars ($9,000.00) or more.

(d) If an institution has not paid assessments to the Fund for a total of 16 quarters at the time the institution is granted an approval to operate, the Bureau shall levy assessments on the institution for up to an aggregate total of 16 quarters regardless of whether the Fund balance as of June 30 of the prior fiscal year exceeds one million five hundred thousand dollars (1,500,000) in the degree-granting postsecondary educational institution account or four million five hundred thousand dollars ($4,500,000) in the vocational educational institution account.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94945, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Amendment of section and NOTE filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

§ 76130. Due Date of Assessments and STRF Assessment Reporting Forms.

(a) The Bureau shall provide each institution and each registered institution offering Short-term Career Training with STRF Assessment Reporting, Forms #STRF-03, 04 and 05, effective January 1, 2002, as applicable, during the last month of each calendar quarter: March, June, September and December.

(b) An institution and a registered institution offering Short-term Career Training shall complete the STRF Assessment Reporting, Forms #STRF-03, 04 and 05, effective January 1, 2002, as applicable, and remit the STRF fees collected from continuing, new and newly enrolled students to the Bureau no later than the last day of the month following the close of the quarter as follows: April 30 for the first quarter, July 31 for the second quarter, October 31 for the third quarter, and January 31 for the fourth quarter. An institution and a registered institution offering Short-term Career Training are not required to remit a STRF fee for a continuing, new or newly enrolled student who has exercised his or her right of rescission under sections 94812, 94822 and/or 94867.

(1) If the due date falls on a Saturday, Sunday or State or federally-approved holiday, the due date shall be extended to the next day which is not a Saturday, Sunday or State or federally-approved holiday.

(c) In the event of a school closure, unpaid assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(d) An institution and a registered institution offering Short-term Career Training shall collect and maintain a record of student information to substantiate the data reported on the STRF Assessment Reporting, Forms #STRF-03, 04 and 05, effective January 1, 2002, and eligibility requirements under the Fund that shall include the following for each student:

(1) Identification number and/or Social Security number,
(2) First name,
(3) Last name,
(4) Local or mailing address,
(5) Home address,
(6) Date enrollment agreement signed,
(7) Courses and course costs,
(8) Amount of STRF fee collected,
(9) Quarter in which the STRF fee was remitted to the Bureau,
(10) Third-party payer identifying information,
(11) Total tuition charged,
(12) Total tuition paid.

(e) The data under this subdivision (d) shall be maintained in an intelligible form and orderly manner either manually or in electronic format so that the information is readily available and open to inspection by the Bureau upon request. All record-keeping systems shall include identification of coding systems that are readily available whenever they are used to record and maintain any of the information required under this subdivision.

(f) If the Bureau fails to send the STRF Assessment Reporting Forms #03, 04 and/or 05, effective January 1, 2002 to an institution or registered institution offering Short-term Career Training in accordance with section 76130(a), the following applies:

(1) An institution or registered institution offering Short-term Career Training shall remit STRF fees collected from continuing and new students and completed STRF Assessment Reporting Forms # STRF-03, 04 and/or 05, effective January 1, 2002, as applicable, for every quarter occurring after January 1, 2002 in which the Bureau failed to send the forms described under section 76130(a).

(2) STRF Assessment Reporting Forms #STRF 03, 04 and 05 and corresponding STRF fees shall be remitted to the Bureau within 40 days from the date of mailing by the Bureau.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94812, 94822, 94829, 94832, 94835, 94836, 94867 and 94945, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Amendment of section heading, section and NOTE filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

Article 3. Payments from the Fund

§ 76200. Application for Payment.

(a) Student Tuition Recovery Fund (STRF) Application, Form #STRF-02, effective January 1, 2002, shall be used to file claims for payment from the Fund.

(b) The Bureau may conduct an investigation to verify whether to grant or deny a claim.

(c) If the Bureau pays the claim, the amount of the payment is measured by the total amount of the student's economic loss, as defined in Section 76000(g). The amount of the refund is not dependent on, or necessarily limited to, the amount of refund the student would have received from the institution if the student had voluntarily withdrawn.

(d) A judgement against an institution for any violation of the Act that provides for damages or restitution for students affected by the violation and that was obtained in any group or class action. In any action brought by the Bureau, the Attorney General, or any other law enforcement agency, or in any action brought pursuant to Section 17200 of the Business and Professions Code, shall be entitled to payment from the Fund provided that the judgement cannot be collected despite diligent collection efforts, a claim is filed within two years after the judgement became final, a claim indicating the total amount of the judgment allocable to each student is filed, and the total amount paid to each student does not exceed the amount which the student would have been entitled to receive if the student had obtained a judgment for the amount allocable to the student.

(e) If a student elects a teach-out, the following conditions apply:

(1) If the student withdraws from the teach-out institution within the first two weeks of enrollment, the student shall be entitled to apply to the Fund to recover the student's full economic loss related to the payment of tuition to the closed institution.

(2) If the student withdraws from the teach-out institution after the first two weeks of enrollment, the student shall be entitled to apply to the Fund to recover a pro rata refund, to the extent provided by statute, for the portion of the educational service paid for but not received.

(3) If the teach-out institution receives the proceeds of any financial aid disbursements, the teach-out institution shall make the appropriate refunds or payments as provided in paragraph (1) or (2) but only to the extent of proceeds actually received.

(4) If the teach-out institution provides all of the instruction which the closed institution represented it would provide, the student shall not be entitled to claim reimbursement of the amount that the student paid to the closed institution for instruction.

(5) In addition to any recovery provided in paragraph (1) or (2), a student may claim all economic loss incurred as a result of the closure up to the maximum amount permitted by statute.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94944 and 94945, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Amendment of subsections (a)-(d) and amendment of NOTE filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

§ 76210. Payment of Claims.

(a) The Bureau shall negotiate with a lender, holder, guarantee agency, or the U.S. Department of Education for the full compromise or write-off of student loan obligations to relieve students of economic loss and, if possible, to reduce the liability of the Fund for the payment of claims.

(b) The Bureau may pay, with the student's permission, a student's claim directly to the lender, holder, guarantee agency, or U.S. Department of Education under a federally guaranteed student loan program only if the payment of the claim fully satisfies all of the student's loan obligations related to attendance at the institution for which the claim was filed.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Section 94944, Education Code.

HISTORY

1. New section filed 3-12-92 as an emergency; operative 3-12-92 (Register 92, No. 13). A Certificate of Compliance must be transmitted to OAL 7-10-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-12-92 order transmitted to OAL 9-1-92 and filed 10-14-92 (Register 92, No. 42).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. Amendment of section and NOTE filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

§ 76215. Student Tuition Recovery Fund Disclosures.

(a) An institution approved under Article 8 (commencing with section 94900 of the Code), Article 9 (commencing with section 94915 of the Code), or a registered institution offering Short-term Career Training shall include on both the enrollment agreement and the current schedule of student charges, the following statement:

"You must pay the state-imposed fee for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:

1. You are a student, who is a California resident and prepays all or part of your tuition either by cash, guaranteed student loans, or personal loans, and

2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party.

You are not eligible for protection from the STRF and you are not required to pay the STRF fee, if either of the following applies:

1. You are not a California resident.

2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party."

(b) In addition to the statement described under subdivision (a) of this section, the institution or registered institution offering Short-term Career Training shall include on the current schedule of student charges, the following statement:

"The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by California residents who were students attending schools approved by, or registered to offer Short-term Career Training with, the Bureau for Private Postsecondary and Vocational Education.

You may be eligible for STRF if you are a California resident, prepaid tuition, paid the STRF fee, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.

2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.

3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.

4. The school's breach or anticipatory breach of the agreement for the course of instruction.

5. There was a decline in the quality of the course of instruction within 30 days before the school closed or, if the decline began earlier than 30 days prior to closure, the period of decline determined by the Bureau.

6. The school committed fraud during the recruitment or enrollment or program participation of the student.

You may also be eligible for STRF if you were a student that was unable to collect a court judgment rendered against the school for violation of the Private Postsecondary and Vocational Education Reform Act of 1989."

(c) The Bureau shall mail the Notice and Explanation of Student Rights under the Student Tuition Recovery Fund, Form STRF 06, effective January 1, 2002, to students soon after an institution's closure or upon request from a student for an explanation of his or her rights under the Student Tuition Recovery Fund.

NOTE: Authority cited: Sections 94774 and 94778, Education Code. Reference: Sections 94810, 94825 and 94944, Education Code.

HISTORY

1. New section filed 9-11-2003; operative 9-11-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 37).

Article 4. Special Assessments

§ 76220. Applicability.

NOTE: Authority cited: Sections 94774, 94778 and 94944, Education Code. Reference: Section 94945, Education Code.

HISTORY

1. New article 4 (sections 76220-76420) and section filed 8-3-2000 as an emergency; operative 8-3-2000 (Register 2000, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-1-2000 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2003, No. 13).

§ 76230. Definitions.

NOTE: Authority cited: Sections 94774, 94778 and 94944, Education Code. Reference: Section 94945, Education Code.

HISTORY

1. New section filed 8-3-2000 as an emergency; operative 8-3-2000 (Register 2000, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-1-2000 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2003, No. 13).

§ 76240. Method for Calculating a Special Assessment.

NOTE: Authority cited: Sections 94774, 94778 and 94944, Education Code. Reference: Section 94945, Education Code.

HISTORY

1. New section filed 8-3-2000 as an emergency; operative 8-3-2000 (Register 2000, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-1-2000 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2003, No. 13).

Chapter 8. Registered Educational Services and Programs

Article 1. Definitions

§ 77000. General Applicability of Statutory Definitions.

NOTE: Authority cited: Sections 94774(a)-(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94711-94746 and 94931, Education Code.

HISTORY

1. New chapter 8 (articles 1-13), article 1 (sections 77000-77030) and section filed 5-14-98 as an emergency; operative 5-14-98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of chapter 8 (articles 1-13, sections 77000-77880), article 1 (sections 77000-77030) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77002. Act.

NOTE: Authority cited: Sections 94774(a)-(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 94700, Education Code.

HISTORY

1. New section filed 5-14-98 as an emergency; operative 5-14-98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77003. Article 8.

NOTE: Authority cited: Sections 94774(a)-(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94900-94905, Education Code.

HISTORY

1. New section filed 5-14-98 as an emergency; operative 5-14-98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly

adopted regulations become effective, whichever comes first. Education Code section 94778.

2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77004. Article 9.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94915–94930, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77005. Article 9.5.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 949431–94931.2, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77006. Article 10.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94932–94936, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77007. Article 11.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94940 and 94942, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77008. Article 12.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94944–94948, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77009. Article 13.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94950–94985, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77010. Bureau.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94719.5 and 94931, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77011. Chapter.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931, 94931.1 and 94931.2, Education Code; and Chapter 8, Division 7.5, Title 5, California Code of Regulations.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77012. Chief Executive Officer.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94830(c)–(e) and 94931, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77014. Code.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 1, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77018. Director of an Institution.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94830(c)–(e) and 94931, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77020. Division.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931, 94931.1 and 94931.2, Education Code; and Division 7.5, Title 5, California Code of Regulations.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77022. Educational Service or Educational Program.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94729 and 94740, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77024. Institution.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94739 and 94931, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77028. Permit.

NOTE: Authority cited: Section 15376, Government Code. Reference: Section 15376, Government Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77030. Registered Educational Service.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931–94931.2, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 2. Purpose and Scope of Chapter

§ 77060. Purpose of Chapter.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931, 94931.1 and 94931.2, Education Code.

HISTORY

1. New article 2 (sections 77060–77090) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 2 (sections 77060–77090) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77070. Educational Services Which Qualify for Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 94931(c), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77080. Degree and Non–Degree Institutions that Offer Educational Services or Programs Subject to Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 94931(b), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77090. General Prohibition Against Operating Without Registration.

NOTE: Authority cited: Sections 94774(g) and 94778, Education Code. Reference: Section 94931(a), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 3. Initial and Re–Registration, Annual Fees, and Report Requirements

§ 77100. Permit Processing Times.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a) Education Code. Section 15376 Government Code. Reference: Section 15376, Government Code.

HISTORY

1. New article 3 (sections 77100–77145) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 3 (sections 77100–77145) by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77102. Initial Registration and Re–Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(d) and 94931(e), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77107. Initial Registration and Re–Registration Application Form.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code; and Section 15376, Government Code. Reference: Sections 94931 and 94932(a), Education Code; and Section 15376, Government Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77110. Change in Circumstances Affecting Application Information.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94830(b) and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77115. Abandonment of Application for Registration or Re–Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(d) and 94931(e), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77120. Action by Bureau upon Receipt of Complete Application.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94915(c), 94931(d) and 94931(e), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77125. Reimbursement of Site Visit Expenses.

NOTE: Authority cited: Sections 94772, 94774(a)–(d) and (g), 94774.5, 94778(a) and 94932(c) Education Code. Reference: Sections 94915(c) and 94931(e), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77130. Annual Fees and Reporting Information.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(c), (d) and (e), 94932(a) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77135. Issuance of Evidence of Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94830(b), 94835(c), 94931(e), 94931(g) and 94931(h), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

[The next page is 402.31.]

§ 77140. Timely Submission of Application for Re-Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(d) and (e) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77145. Records Retention.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94829 and 94931(h), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 4. Notification of Changes or Amendments to Registration

§ 77150. Change in Registration—Notification Required.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94830(b) and 94931(d), Education Code.

HISTORY

1. New article 4 (sections 77150–77165) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 4 (sections 77150–77165) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77152. Change in Registration—Application for Amended Registration Required.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code; and Section 15376, Government Code. Reference: Sections 94830(b), 94931(d) and 94932(a), Education Code; and Section 15376, Government Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77154. Changes in Educational Services or Programs Provided by Institutions Approved to Operate.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(b) and (d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77157. Availability of Application for Amended Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(d) and (e) and 94932(a), Education Code.

HISTORY

1. *New section filed 5–14–98 as an emergency*; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77160. Application for Amended Registration Time Frames.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code; and Section 15376, Government Code. Reference: Section 94931(d), Education Code; and Section 15376, Government Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77165. Evidence of Issuance of Amended Registration.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code; and Section 15376, Government Code. Reference: Section 94931(d), Education Code; and Section 15376, Government Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 5. General Provisions

§ 77200. Minimum Operation Requirements.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94829, 94830, 94931 and 94985, Education Code.

HISTORY

1. New article 5 (sections 77200–77280) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 5 (sections 77200–77280) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77210. Inspection of Records—Additional Information.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94829, 94835, 94931(d) and 94952(a), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77220. Student Records.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 94829, 94835, 94931 and 94952(a), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77240. Fees.

NOTE: Authority cited: Sections 94772, 94774(a)–(d), 94774.5, 94778(a) and 94932(c) Education Code. Reference: Sections 94931(e) and 94932(a), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77260. Timely Filing of Applications, Fees, Documentation, and Information.

NOTE: Authority cited: Sections 94772, 94774(a)–(d), 94774.5, 94778(a) and 94932(c), Education Code. Reference: Section 94931, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77280. Public Disclosures.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 94774(e), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 6. Intensive English Language Program Definition and Requirements

§ 77300. Intensive English Language Program Defined.

NOTE: Authority cited: Sections 94774(a)–(d), 94774.5 and 94778(a), Education Code. Reference: Sections 94733 and 94931(c), Education Code.

HISTORY

1. New article 6 (sections 77300–77390) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 6 (sections 77300–77390) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77310. Intensive English Language Program Registration and Annual Report.

NOTE: Authority cited: Sections 94774(a)–(d) and 94778, Education Code. Reference: Sections 94829 and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77320. Intensive English Language Program General Requirements.

NOTE: Authority cited: Sections 94774(a)–(d), 94774.5 and 94778(a), Education Code. Reference: Sections 94733, 94812–94818, 94822–94825, 94829–94838, 94841, 94846, 94915(c), 94931, 94931.1, 94931.2 and 94950–94985, Education Code; and Sections 100–149 and 475–499, Business and Professions Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77330. Intensive English Language Program Student Disclosures.

NOTE: Authority cited: Sections 94774(a)–(d), 94774.5 and 94778(a), Education Code. Reference: Sections 94825, 94931(d) and 94931(g), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77340. Intensive English Language Program Student Contracts.

NOTE: Authority cited: Sections 94774(a)–(d) and 94778, Education Code. Reference: Sections 94812, 94838, 94931(d) and 94931.1, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77350. Restrictions on Intensive English Language Programs.

NOTE: Authority cited: Sections 94774(a)–(d), 94774.5 and 94778(a), Education Code. Reference: Sections 94838 and 94931(g), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77360. Intensive English Language Program Student Withdrawal Rights and Refunds.

NOTE: Authority cited: Sections 94774(a)–(d), 94774.5 and 94778(a), Education Code. Reference: Section 94931.2, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77390. Intensive English Language Program Fees.

NOTE: Authority cited: Sections 94774(a)–(d), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(e), 94932(a) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 7. Short–Term Career Training Definition and Requirements

§ 77400. Short–Term Career Training Defined.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94742.1 and 94931(c), Education Code.

HISTORY

1. New article 7 (sections 77400–77490) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 7 (sections 77400–777490) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77410. Short–Term Career Training Registration and Annual Report.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94829 and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77420. Short–Term Career Training General Requirements.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94733, 94812–94818, 94822–94825,

94829–94838, 94841, 94846, 94915(c), 94931, 94931.1, 94931.2 and 94950–94985, Education Code; and Sections 100–149 and 475–499, Business and Professions Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77430. Short–Term Career Training Student Disclosures.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94814, 94816, 94825, 94931(d) and 94931(g), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77440. Short–Term Career Training Student Contracts.

NOTE: Authority cited: Sections 94774(g) and 94778, Education Code. Reference: Sections 94812, 94931 and 94931.1, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77445. Restrictions on Short–Term Career Training.

NOTE: Authority cited: Sections 94774(g) and 94778, Education Code. Reference: Sections 94780, 94838, 94931(c) and (g) and 94931.1(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77450. Short–Term Career Training Student Withdrawal Rights and Refunds.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94820, 94822, 94823, 94824, 94825 and 94931.1(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77490. Short–Term Career Training Fees.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(e), 94932(a) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 8. Short–Term Seminar Training Definition and Requirements

§ 77500. Short–Term Seminar Training Defined.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94742.2 and 94931(c), Education Code.

HISTORY

1. New article 8 (sections 77500–77590) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 8 (sections 77500–77590) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77510. Short–Term Seminar Training Registration and Annual Report.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94829 and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77520. Short–Term Seminar Training General Requirements.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94733, 94812–94818, 94822–94825, 94829–94838, 94841, 94846, 94915(c), 94931, 94931.1, 94931.2 and 94950–94985, Education Code; and Sections 100–149 and 475–499, Business and Professions Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77530. Short–Term Seminar Training Student Disclosures.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94825, 94931(d) and 94931(g), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77540. Short–Term Seminar Training Student Contracts.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94812, 94931 and 94931.1, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77545. Restrictions on Short–Term Seminar Training.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94838, 94931(g) and 94931(f), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77550. Short–Term Seminar Training Student Withdrawal Rights and Refunds.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94822, 94823, 94824 and 94825, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly

adopted regulations become effective, whichever comes first. Education Code section 94778.

2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77590. Short–Term Seminar Training Fees.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(e), 94932(a) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 9. License Examination Preparation Definition and Requirements

§ 77600. License Examination Preparation Defined.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94734 and 94931(c)(4), Education Code; and Section 237, Business and Professions Code.

HISTORY

1. New article 9 (sections 77600–77690) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 9 (sections 77600–77690) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77610. License Examination Preparation Registration and Annual Report.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94829 and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77620. License Examination Preparation General Requirements.

NOTE: Authority cited: Sections 94778 and 94774(g), Education Code. Reference: Sections 94733, 94812–94818, 94822–94825, 94832, 94841, 94846, 94915(c), 94931, 94931.1, 94931.2 and 94950–94985, Education Code; and Sections 100–149 and 475–499, Business and Professions Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77630. License Examination Preparation Student Disclosures.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94825, 94931(a) and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77640. License Examination Preparation Student Contracts.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94812, 94931 and 94931.1 Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77645. Restrictions on License Examination Preparation.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94838 and 94931(g), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77650. License Examination Correspondence or Distance Learning Institutions.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94812, 94931 and 94931.1, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77660. License Examination Preparation Student Withdrawal Rights and Refunds.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94820 through 94825, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77690. License Examination Preparation Fees.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(e), 94932(a) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 10. Continuing Education Definition and Requirements

§ 77700. Continuing Education Program Defined.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94722 and 94931, Education Code.

HISTORY

1. New article 10 (sections 77700–77790) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 10 (sections 77700–77790) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77710. Continuing Education Program Registration and Annual Report.

NOTE: Authority cited: Sections 94774(g) and 94778, Education Code. Reference: Sections 94829 and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.

2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77720. Continuing Education Program General Requirements.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94733, 94812–94818, 94822–94825, 94829–94838, 94841, 94846, 94915(c), 94931, 94931.1, 94931.2 and 94950–94985, Education Code; and Sections 100–149 and 475–499, Business and Professions Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77730. Continuing Education Program Student Disclosures.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94825 and 94931(d), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77740. Continuing Education Program Student Contracts.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94812, 94931 and 94931.1, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77745. Restrictions on Continuing Education Programs.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94838 and 94931(g), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77750. Continuing Education Program Student Withdrawal Rights and Refunds.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94820 through 94825, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77790. Continuing Education Program Fees.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94931(e), 94932(a) and 94934, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 12. Tuition Refunds

§ 77840. Calculation of Refunds Upon Withdrawal From Multiple Educational Programs.

NOTE: Authority cited: Section 94774(g) and 94778, Education Code. Reference: Sections 94931(d)(5)(E), 94931(b), 94820 and 94870, Education Code

HISTORY

1. New article 12 (section 77840) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 12 (section 77840) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

Article 13. Grounds for Denial, Complaint Investigations, Revocation, and Hearing Procedures and Remedies

§ 77845. Prohibitions.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections, 93830(h), 94832(a)–(c), 94832(j)–(l), 94848 and 94873(f), Education Code.

HISTORY

1. New article 13 (sections 77845–77880) and section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealer of article 13 (sections 77845–77880) and section by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77850. Grounds for Denial and Revocation of Application for Registration.

NOTE: Authority cited: Section 94774(a)–(d), and (g), 94774.5 and 94778, Education Code. Reference: Sections 94830 and 94931(h), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77865. Complaints.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 129, Business and Professions Code; and Sections 94778(b) and 94960(b), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77870. Surrender of Registered Status.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Section 94931(a), Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77875. Failure of Institution Offering Short–Term Career Training to Comply with Applicable Financial Standards.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94804, 94855, 94878, 94879, 94965 and 94975, Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly

adopted regulations become effective, whichever comes first. Education Code section 94778.

2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

§ 77880. Right to an Administrative Hearing.

NOTE: Authority cited: Sections 94774(a)–(d) and (g), 94774.5 and 94778(a), Education Code. Reference: Sections 94771(d), 94965, 94975 and 94980 Education Code.

HISTORY

1. New section filed 5–14–98 as an emergency; operative 5–14–98 (Register 98, No. 20). This section remains in effect until June 30, 1999, or until regularly adopted regulations become effective, whichever comes first. Education Code section 94778.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 45).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 8. Commission on Teacher Credentialing

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Division 8. Commission on Teacher Credentialing

TABLE OF CONTENTS

Page

Chapter 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970 403

Article 1. General Provisions and Definitions 403

§ 80000. Scope.
§ 80000.1. Continuation of Rights.
§ 80001. Definitions and Terms.
§ 80002. Issuance of Prior Credentials.
§ 80003. Multiple Subject Teaching Credential Authorization for Service.
§ 80004. Single Subject Teaching Credential Authorization for Service.
§ 80005. Authorization for Subject Areas for Service in Departmentalized Classes.
§ 80006. Reading Instruction.
§ 80014. Requirements for the Reading Certificate.
§ 80014.1. Authorization of and Period of Validity of the Reading Certificate.
§ 80014.2. Application Procedure for a Reading Certificate.
§ 80015. Requirements for the Crosscultural, Language and Academic Development (CLAD) Certificate.
§ 80015.1. Requirements for the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.
§ 80015.2. Prerequisite Credential or Permit for, Authorization of, and Period of Validity of the Crosscultural, Language and Academic Development (CLAD) Certificate and the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.
§ 80015.3. The CLAD/BCLAD Examinations.
§ 80015.4. Multiple and Single Subject Credentials with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.
§ 80016. Certificates of Completion of Staff Development to Teach English Language Development and/or Specially Designed Academic Instruction Delivered in English to Limited-English-Proficient Students.
§ 80020. Additional Assignment Authorizations for Specified Teaching Credentials.
§ 80020.1. Additional Assignment Authorizations for Specific Special Education Credentials.
§ 80020.3. Additional Assignment Authorizations for Specified Administrative and Supervision Credentials.
§ 80020.4. Teachers Serving as Staff Developer.
§ 80020.4.1. Services a Teacher May Provide.
§ 80020.5. Additional Assignment Authorizations for Specified Pupil Personnel Services Credentials.

Page

Article 2. Credential Types, Authorizations, and Requirements 404.6

§ 80021. Multiple Subject, Single Subject or Education Specialist Short-Term Staff Permit.
§ 80021.1. Multiple Subject, Single Subject or Education Specialist Provisional Internship Permit.
§ 80023. Types of Emergency Permits.
§ 80023.1. General Provisions Governing Emergency Permits.
§ 80023.2. General Requirements for the Initial Issuance of Emergency Permits.
§ 80024. Emergency Teaching and Services Credential for Other Than 30-Day Substitute Teaching Service.
§ 80024.1. Emergency Multiple or Single Subject Teaching Permits.
§ 80024.2. Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.
§ 80024.2.1. Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis.
§ 80024.3. Emergency Specialist Instruction Permits for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped.
§ 80024.3.1. Emergency Resource Specialist Permit.
§ 80024.3.2. Emergency Education Specialist Instruction Permits.
§ 80024.4. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization.
§ 80024.5. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing.
§ 80024.6. Emergency Library Media Teacher Services Permit.
§ 80024.7. Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit.
§ 80024.8. Emergency Crosscultural, Language and Academic Development (CLAD) Permit.

		Page
§ 80025.	Emergency 30–Day Substitute Teaching Permit.	
§ 80025.1.	Emergency Career Substitute Teaching Permit.	
§ 80025.2.	Emergency Substitute Teaching Permit for Prospective Teachers.	
§ 80025.3.	Day to Day Substitute Teaching.	
§ 80025.4.	Substituting in a Special Education Classroom.	
§ 80025.5.	Emergency Designated Subjects Vocational Education Permit for 30–Day Substitute Teaching Service.	
§ 80026.	Declaration of Need for Fully Qualified Educators.	
§ 80026.1.	Information to Applicants.	
§ 80026.4.	Plan to Develop Fully Qualified Educators.	
§ 80026.5.	Orientation, Guidance and Assistance.	
§ 80026.6.	Requirements for the Reissuance of Emergency Permits.	
§ 80027.	Limited Assignment Multiple or Single Subject Teaching Permit.	
§ 80028.	Certificate of Clearance.	
§ 80029.	Emergency Bilingual/Crosscultural Teaching Credential.	
§ 80030.	Emergency Specialist Credentials in Learning Handicapped, Severely Handicapped, and Physically Handicapped.	
§ 80031.	Emergency Services Credential in Health (School Nurse).	
§ 80032.	Terms of Issuance and Renewal of Teaching and Services Credentials.	
§ 80032.1.	Health Education Unit Requirement.	
§ 80032.2.	Special Education Training for Teachers and Administrators.	
§ 80033.	Life Credentials.	
§ 80033.2.	Special Temporary Certificates.	
§ 80034.	Designated Subjects Credentials and Programs: Definition and Terms.	
§ 80034.5.	Holder of Designated Subjects Full–Time Vocational Education Teaching Credential or Designated Subjects Full–Time Adult Education Teaching Credential Serving as a Substitute.	
§ 80035.	Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Full–Time Vocational Education Teaching Credentials.	
§ 80035.1.	Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Part–Time Vocational Education Teaching Credential.	
§ 80035.5.	Subject Classification System for Designated Subjects Vocational Education Teaching Credentials.	
§ 80036.	Specific Requirements for and Authorization of the Full–Time Designated Subjects Preliminary and Clear Adult Education Teaching Credential.	
§ 80036.1.	Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Part–Time Adult Education Teaching Credential.	
§ 80036.2.	Qualifying Experience and/or Education for the Designated Subjects Adult Education Teaching Credential.	
§ 80036.3.	Subject Classification System for Designated Subjects Adult Education Teaching Credentials.	
§ 80036.5.	Effect of Changes Upon Certain Holders of Designated Subjects Teaching Credentials.	
§ 80037.	Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential.	
§ 80037.5.	Subject Matter Programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Driver Training.	
§ 80038.	Specific Requirements for and Authorization of the Designated Subjects Supervision and Coordination Credential.	
§ 80039.	Preliminary Credential for Part–Time Service.	
§ 80040.	General Requirements for Designated Subjects Programs of Personalized Preparation.	
§ 80040.1.	Cooperative Planning for and Implementation of the Program of Personalized Preparation.	
§ 80040.2.	Specific Requirements for Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.	
§ 80040.2.5.	Instructional Practices Component of Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.	
§ 80040.2.7.	Timeline for Submission of Revised Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.	
§ 80040.3.	Specific Requirements for Commission Approval of the Personalized Program in Supervision and Coordination Shall Include the Following:	
§ 80041.	Types of Designated Subjects Credentials for Adult Education.	
§ 80041.1.	Terms and Requirements for Issuance.	
§ 80041.2.	Authorization for Service.	
§ 80041.3.	Requirements for the Credential.	
§ 80041.4.	Requirements and Procedures for Agencies Recommending for Designated Subjects Credentials for Adult Education.	
§ 80042.	Specific Requirements for Programs of Personalized Preparation for the Designated Subjects Vocational Education Teaching Credential.	
§ 80042.5.	Timeline for Submission of Revised Programs of Personalized Preparation for the Designated Subjects Vocational Education Teaching Credential.	
§ 80043.	Statement of Employment and Verification of Qualifications.	
§ 80044.	Scope of Eminence.	
§ 80045.	Renewal of Eminence Credential.	
§ 80046.	Requirements for Teaching Adapted Physical Education.	
§ 80046.1.	Requirements for and Authorization of the Adapted Physical Education Specialist Credential.	

Page

§ 80046.5. Credential Holders Authorized to Serve Children With Disabilities.
§ 80047. Authorization for Special Class with Primary Disabilities: Specific Learning Disability or Mental Retardation (Mild/Moderate).
§ 80047.1. Authorization for Special Class with Primary Disability: Mental Retardation (Moderate/Severe).
§ 80047.2. Authorization for Special Class with Primary Disability: Serious Emotional Disturbance.
§ 80047.3. Authorization for Special Class with Primary Disability: Multiple Disabilities.
§ 80047.4. Authorization for Special Class with Primary Disability: Autism.
§ 80047.5. Authorization for Special Class with Primary Disability: Speech and Language Impairment.
§ 80047.6. Authorization for Special Class with Primary Disability: Deafness or Hearing Impairment.
§ 80047.7. Authorization for Special Class with Primary Disability: Deaf–Blindness.
§ 80047.8. Authorization for Special Class with Primary Disability: Visual Impairment including Blindness.
§ 80047.9. Authorization for Special Class with Primary Disability: Orthopedic Impairment, Other Health Impairment, or Traumatic Brain Injury.
§ 80048. Specialist Instruction Credential.
§ 80048.1. Specialist Teaching Credentials in Reading.
§ 80048.2. Specific Requirements for Preliminary and Professional Clear Specialist Instruction Credential in Special Education.
§ 80048.3. Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential.
§ 80048.3.1. Specific Requirements for Preliminary Level I and Professional Clear Level II Education Specialist Instruction Credential for Experienced Out–of–State Credentialed Teachers.
§ 80048.4. Specific Requirements for the Professional Clear Level II Education Specialist Instruction Credential.
§ 80048.5. Early Childhood Special Education Certificate.
§ 80048.6. Authorizations for Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate.
§ 80049. Specific Requirements for Professional Clear Services Credential with a Specialization in Pupil Personnel Services.
§ 80049.1. Authorization for Service.
§ 80050. Specific Requirements for the Preliminary and the Professional Clear School Nurse Services Credential, Including Requirements for the Special Teaching Authorization in Health.
§ 80051. Services Credential with a Specialization in Health Services Other Than School Nurse.
§ 80052. Authorization for Service.
§ 80053. Services Credential Authorizing Service as a Library Media Service Teacher.
§ 80054. Services Credential with a Specialization in Administrative Services; Requirements.
§ 80054.5. Services Credential with a Specialization in Administrative Services; Authorization.
§ 80055. Internship Credential.
§ 80055.1. Exchange Certificated Credential.
§ 80055.2. Sojourn Certificated Employee Credential.
§ 80056. Methods for Obtaining a Credential: Completion of Approved Program or Its Equivalent; Reciprocity.
§ 80057. Direct Application; When Permitted.
§ 80057.1. Subsumed Subjects Added as Supplementary Authorization.
§ 80057.5. Adding Supplementary Authorizations to Teaching Credentials Used Predominantly in Elementary Schools.
§ 80058. Methods for Adding Authorization to an Existing Credential Issued Under This Article.
§ 80058.1. Reissuance of Credentials, Certificates, or Permits Granted on Preliminary, Postponement, Emergency, or Clear Basis.
§ 80058.2. Continuance and Extension of Service.
§ 80059. Fifth Year of Study.
§ 80060. Appeal from Institutional Failure to Approve.
§ 80061. Requirements for Teaching in Special Centers.
§ 80061.1. Requirements for the Restricted Severely Handicapped Credential.
§ 80061.2. Requirements for the Special Center Permit.
§ 80062. Direct Application for Preliminary Specialist Instruction Credential on or Before December 31, 1976, Based upon Experience.
§ 80063. Direct Application for Clear Specialist Instruction Credentials.
§ 80064. Specific Requirements for the Specialist Instruction Credential in Special Education with an Authorization to Teach Either the Learning Handicapped or the Severely Handicapped.
§ 80065. Specific Requirements for/and the Authorization of the Language Development Specialist Certificate.
§ 80065.1. Examination for the Language Development Specialist Certificate.
§ 80066. Specific Requirements for the Professional Clear Reading and Language Arts Specialist Credential.
§ 80067. Specific Requirements for the Professional Clear Early Childhood Education Specialist Instruction Credential.
§ 80068. Specific Requirements for the Professional Clear Agriculture Specialist Instruction Credential.
§ 80069. Specific Requirements for the Professional Clear Health Science Specialist Instruction Credential.
§ 80069.1. Specific Requirements for the Professional Clear Gifted Specialist Instruction Credential.
§ 80070. Specific Requirements for the Professional Clear Mathematics Specialist Instruction Credential.

Page

§ 80070.1. The Resource Specialist Certificate of Competence: Definition and Terms.
§ 80070.2. The Clear Resource Specialist Certificate of Competence on Direct Application.
§ 80070.3. The Preliminary Resource Specialist Certificate of Competence on Direct Application.
§ 80070.4. The Clear Resource Specialist Certificate of Competence Issued on the Recommendation of an Institution of Higher Education with a Commission–Approved Resource Specialist Certificate of Competence Program.
§ 80070.5. Requirements for Developing, Evaluating and Approving Professional Preparation Programs for the Resource Specialist Certificate of Competence.
§ 80070.6. The Clear Resource Specialist Certificate of Competence Issued on Recommendation of a School District, County Office, or Special Education Service Region with a Comprehensive "Local Plan" and Approved by the Commission to Assess and Recommend for the Resource Specialist Certificate of Competence.
§ 80070.7. Requirements for a School District, County Office or Special Education Service Region with a Comprehensive "Local Plan" to Assess and Recommend for the Resource Specialist Certificate of Competence.
§ 80070.8. The Candidate for the Resource Specialist Certificate Shall Demonstrate the Skills, Knowledge and Performance Competencies Identified for Each of the Following Functions.

Article 3. Examinations and Subject Matter Programs 428

§ 80071. Qualification by Examination for Issuance of Credential.
§ 80071.1. Oral Proficiency Examinations for Single Subject Language Authorization.
§ 80071.2. Writing Proficiency Examination for Single Subject English Language Authorization.
§ 80071.3. English Writing Proficiency Examination for Candidates Without College Recommendations.
§ 80071.4. Basic Skills Examination.
§ 80071.5. Reading Instruction Competence Assessment.
§ 80072. Appeal upon Failure to Pass Subject Matter Examination.
§ 80073. Board of Examiners.
§ 80074. Members of the Board of Examiners.
§ 80075. Oral Examination.
§ 80076. Board of Examiners' Fee.
§ 80077. Examination Processing Fee.
§ 80078. English Writing Proficiency Examination for Candidates Without College Recommendations.
§ 80085. Programs of Academic Preparation.
§ 80085.1. Programs of Academic Preparation; General Requirement.
§ 80086. Programs of Academic Preparation; Specific Requirements.

Page

§ 80087. Institutional Procedures and Standards.
§ 80088. Approval of Programs of Academic Preparation.
§ 80089. Adding Supplementary Authorizations to Teaching Credentials Used Predominantly in Secondary Schools.
§ 80089.1. Subjects Added as Supplementary Authorizations (Specific Subjects).
§ 80089.2. Subjects Added as Introductory Supplementary Authorizations.
§ 80089.3. Introductory Subject Matter Authorizations.
§ 80089.4. Specific Subject Matter Authorizations.
§ 80092. Period of Validity of Waiver Subject Matter Program.
§ 80093. Completion of Waiver Subject Matter Program; Subsequent Examination Not Required.
§ 80094. Institutionally Approved Subject Matter Equivalencies.

Article 4. Approval of Programs of Professional Preparation 434.1

§ 80096. Approval of Programs Leading to the Preliminary Administrative Services Credential.
§ 80097. Approval of Programs Leading to the Professional Services Credential with a Specialization in Administrative Services.
§ 80098. Approval of Programs Leading to the Language Development Specialist Certificate.

Article 5. Permits Authorizing Service in Child Care and Development Programs 434.1

§ 80105. Definitions.
§ 80106. Filing of Credentials Deemed Permits.
§ 80107. Application Procedure and Date of Issuance of a Permit.
§ 80108. Character Requirement.
§ 80109. Levels of the Permit.
§ 80110. Child Development Assistant Permit.
§ 80111. Child Development Associate Teacher Permit.
§ 80111.1. Life Children's Center Supervision Permit.
§ 80112. Child Development Teacher Permit.
§ 80113. Child Development Master Teacher Permit.
§ 80114. Child Development Site Supervisor Permit.
§ 80114.1. Limited Children's Center Instructional Permit.
§ 80115. Child Development Program Director Permit.
§ 80116. Procedures for Denial, Private Admonition, Public Reproval, Suspension and Revocation.
§ 80117. Procedures for Denial, Suspension, and Revocation of Children's Center Permits.
§ 80120. Purpose and Categories of Waivers.
§ 80121. General Provisions Governing Waivers.
§ 80122. Requirements for Variable Term Waivers.
§ 80123. Requirements for Short–Term Waivers.

Page

§ 80124. Requirements for a Request for a Subsequent Variable Term Waiver for a Specific Applicant.
§ 80125. Submitting Requests for Variable Term Waivers; Approvals and Denials.

Article 6. Positions Requiring Administrative Credentials or Supervision Credentials 440

Article 7. Code of Ethics of the Teaching Profession 440

Chapter 2. Rules of Procedure for the Commission 441

Article 1. General Provisions 441
§ 80150. Definitions.
§ 80153. Officers.
§ 80156. Chairman and Vice–Chairman.
§ 80159. Chairman.
§ 80162. Vice–Chairman.
§ 80165. Vacancy.
§ 80168. Chairman Pro Tempore.
§ 80171. Executive Secretary.
§ 80174. Duties of the Officers.
§ 80177. Staff of the Commission.
§ 80180. Administrative Review of Grievance.

Article 2. Rules of Procedure 441

Article 3. Conflict of Interest Code 441
§ 80225. General Provisions.
Appendix 442

Article 4. Information Practices 443
§ 80250. Policies Established by the Executive Secretary.
§ 80255. Administrative Remedy.

Chapter 2.5. Approved Programs 443

Article 1. Professional Preparation Programs 443
§ 80256. Definitions.

Article 2. Off–Campus Programs 443
§ 80280. Approval Requirements: Off–Campus Programs.

Chapter 3. Committee of Credentials 443

Article 1. General Provisions 443
§ 80300. Definitions.
§ 80301. Notice to Applicants for Issuance or Renewal of Credentials; Application for Character and Identification Clearance.
§ 80301.5. Standards for Investigation or Pursuance of Offenses.
§ 80302. Standards for Investigation.
§ 80303. Reports of Change in Employment Status.
§ 80304. Notice of Sexual Misconduct.
§ 80305. Continuance.
§ 80306. Time for Presentation of Allegations.

Article 2. Duties and Functions of the Committee of Credentials; Guidelines 445
§ 80307. Disclosure of Documents During Investigation.
§ 80307.1. Investigation Commences.
§ 80308. Preliminary Review.
§ 80309. Medical and Psychiatric Guidelines.
§ 80309.1. Initial Review
§ 80310. Notice of Meeting, Formal Review.
§ 80311. Request for Appearance.
§ 80312. Continuance.
§ 80313. Presence of Material Witnesses.
§ 80314. Action.
§ 80314.5. Notice of Committee Action.
§ 80315. Reconsideration.
§ 80316. Confidentiality of Investigative Material.
§ 80316.5. Confidential Report of Investigation.
§ 80317. Administrative Hearing.
§ 80317.2. Presence of Material Witnesses.
§ 80318. Action Committee May Take.
§ 80318.1. Reconsideration of Committee Action.
§ 80319. Notice of Committee Action; Form of Notice.
§ 80320. Consent Determinations.
§ 80321. Committee of Credentials Reports to the Commission.

Article 3. Rules of Conduct for Professional Educators 447
§ 80331. General Provisions.
§ 80332. Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation.
§ 80333. Withdrawal from Professional Employment.
§ 80334. Unauthorized Private Gain or Advantage.
§ 80335. Performance of Unauthorized Professional Services.
§ 80336. Performance with Impaired Faculties.
§ 80337. Harassment and Retaliation Prohibited.
§ 80338. Discrimination Prohibited.
§ 80339. Definitions.
§ 80339.1. Membership of the Committee on Authorized Assignments.
§ 80339.2. Materials to be Forwarded by the County Superintendent.
§ 80339.3. Staff Review and Determination.
§ 80339.4. Referral to the Committee on Authorized Assignments and Issuance of Letter of Non–Compliance.
§ 80339.5. Referral to the Committee of Credentials.
§ 80339.6. Rights of Certificated Persons.

Chapter 4. Procedure for Application for, Adding Authorization to, and Renewal of Credentials 450

Article 1. General Provisions 450
§ 80400. Definitions.
§ 80403. Authority for Granting Credentials.
§ 80406. Methods of Securing a Credential.
§ 80409. Qualified Applicant.
§ 80412. Filing of Mailing Address.
§ 80413. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California.
§ 80413.1. Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared Outside California.

Page

§ 80413.2. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials Pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997.
§ 80413.3. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Experienced Out-of-State Credentialed Teachers.
§ 80414. Specific Requirements, Period of Validity and Authorization for the Teacher Trainee Certificate.
§ 80415. Course in the United States Constitution.
§ 80418. Reading Requirement.
§ 80421. Health Education Unit Requirement.
§ 80422. Computer Education Coursework for the Clear Teaching Credential.
§ 80424. Fifth Year of Study.
§ 80427. Interruption of Preparation by Military Service.

Article 2. Direct Application to the Commission 452
§ 80430. Direct Application: When Permitted.
§ 80430.1. Direct Applications for Individuals Prepared Outside of California.
§ 80430.2. Comparable and Equivalent Teacher Preparation; Reciprocity.
§ 80433. Application Form.
§ 80434. Acceptance of Electronic Signature.
§ 80435. Official Transcript.
§ 80436. Place of Filing of Application.
§ 80439. Date of Filing of Application.
§ 80440. Date of Issuance of Credentials.
§ 80441. Notification to the Employers of Temporary County Certificate (T.C.C.) Holders.
§ 80442. Personal Identification Cards.
§ 80443. Processing Time for Credentials and Permit.
§ 80445. Transcripts of Record.
§ 80448. Affidavits in Lieu of Official Transcripts.
§ 80451. Fees.
§ 80454. Scholarship Requirements.
§ 80457. Acceptance of College or University Work for Purposes of Certification in California.
§ 80460. Issuance of Credentials.
§ 80463. Date of Issuance of Credentials.
§ 80466. Teaching Experience in Lieu of Professional Preparation.
§ 80469. Delivery of Credentials to a County Superintendent of Schools.

Article 3. Recommendation of the Applicant by the Institution 455
§ 80472. Completion of Approved Program or Its Equivalent.
§ 80473. Allowance of Grace Period To Complete Requirements: Definitions & Terms.
§ 80473.1. Allowance of Grace Period To Complete Requirements.
§ 80475. Application Form.
§ 80478. Date of Filing of Application; Date of Issuance.
§ 80481. Personal Identification Cards.
§ 80484. Fees.

Article 4. Fees for Credentials 456
§ 80487. Fees.
§ 80490. Renewal of Credentials.
§ 80493. Terms of Issuance and Renewal of Credentials.
§ 80496. Failure to Renew Because of Illness, Military Service, or Other Serious Reasons.
§ 80499. Requirements for Adding an Authorization to an Existing Credential.

Article 6. Denial of Application for Credentials 456.2
§ 80505. Definitions.
§ 80506. Notice of Denial.
§ 80507. Date of Denial of Application.
§ 80508. Failure to Meet Requirements.
§ 80509. Appeal Grounds and Procedure.
§ 80510. Time of Filing Appeal.
§ 80511. Duties of the Committee.
§ 80512. Initiation of Appeal Procedure.
§ 80514. Duties of the Committee.
§ 80515. Rights of Appellant.
§ 80516. Open Hearing (Appellant's Option to Close Hearing).
§ 80517. Date of Denial of Application.
§ 80518. Conduct of Hearing.
§ 80519. Notice of Committee Decision.
§ 80520. Initiation of Appeal Procedure.
§ 80521. Appeal for Hearing.
§ 80522. Finality of Decision.
§ 80523. Extensions of Time.
§ 80523.1. Experience in Lieu of Student Teaching.
§ 80523.2. IHE or LEA Unable to Recommend.
§ 80523.3. Administrative Services Experience.
§ 80523.4. Administrative Services Prerequisite.
§ 80526. Rights of Applicant.
§ 80529. Closed Hearing.
§ 80532. Conduct of Hearing.
§ 80535. Rehearing by the Commission.
§ 80538. Finality of Decision.

Article 7. Requirements and Procedures for Renewing Professional Clear Multiple and Single Subject Teaching Credentials, Service or Specialist Credentials, and Designated Subjects Adult and Vocational Education Teaching Credentials 460
§ 80550. Definitions.
§ 80552. Specific Requirements for Renewing Professional Clear Credentials.
§ 80553. Period of Validity and Renewal Cycle for Professional Clear Teaching and Services Credentials.
§ 80554. Professional Growth Plan.
§ 80555. Professional Growth Record.
§ 80556. Professional Growth Advisor for Multiple or Single Subject Teaching Credential.
§ 80556.1. Professional Growth Advisor for Service and Specialist Credentials.

Page

§ 80558. Professional Growth Activities For All Professional Clear Credential Holders.
§ 80562. Professional Growth Timekeeping For All Professional Clear Credential Holders.
§ 80565. Professional Service Requirement for Renewing a Professional Clear Credential.
§ 80567. Professional Growth Requirements for Designated Subjects Adult Education Teaching Credentials.
§ 80569. Professional Growth Requirements for Designated Subjects Vocational Education Teaching Credentials.

Chapter 5. Approved Programs 460.5

Article 1. Procedure for Validation 460.5
§ 80600. General Provisions Governing Validation of Service.
§ 80601. General Requirements for Validation of Service Requests.
§ 80603. Ineligibility for Approval.
§ 80604. Determination of Approval.
§ 80606. Determination of Approval.

Article 2. Professional Preparation Programs 461
§ 80632. Programs Providing Professional and Specialized Preparation for the Services Credential with a Specialization in Pupil Personnel Services: General Requirements.
§ 80632.1. Generic Program of Instruction in Basic Pupil Personnel Services for all Specializations.
§ 80632.2. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Counseling.
§ 80632.3. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Social Work.
§ 80632.4. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Psychology.
§ 80632.5. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Child Welfare and Attendance Services.
§ 80640. Approval of Programs of Preparation for the Authorization to Teach the Seriously Emotionally Disturbed.
§ 80641. Approval of Programs of Preparation for the Authorization to Teach Other Health Impaired (Autistic).

Article 3. Other Program Approval Procedures 466

Subarticle 1. Faculty Participation in the Public Schools 466
§ 80674.1. Definitions.
§ 80674.2. Time Periods and Requirements for Faculty Members Required to Participate in the Public Schools.
§ 80674.3. Active Faculty Participation in the Public Schools.
§ 80674.4. Faculty Implementation Plan.
§ 80674.5. Reporting of Exemplary Practices.
§ 80674.6. Verification Procedure.
§ 80674.7. Verification Procedure.

Subarticle 2. Guidelines for Staff Development Programs for Teachers of English Learners 467
§ 80680. Guideline Category 1: Guidelines for the Content of Staff Development Programs.
§ 80681. Guideline Subcategory 1–A: General Content Guidelines for All Programs.
§ 80681.1. Guideline 1: Understanding Background Characteristics of English Learners.
§ 80681.2. Guideline 2: Educational Equity and Positive Intercultural Relations.
§ 80681.3. Guideline 3. Definition and Role of ELD and SDAIE in the Education of English Learners.
§ 80681.4. Guideline 4. Theories of First and Second Language Acquisition.
§ 80682. Guideline Subcategory 1–B: Additional Content Guidelines for Staff Development in Specially Designed Academic Instruction Delivered in English (SDAIE).
§ 80682.1. Guideline 5: Research and Theory for SDAIE.
§ 80682.2. Guideline 6: Matching Content Instruction to Language Abilities.
§ 80682.3. Guideline 7: Using Language and Literacy for Learning Content.
§ 80682.4. Guideline 8: Assessment of Content Learning.
§ 80683. Guideline Subcategory 1–C: Additional Content Guidelines for Staff Development in English Language Development.
§ 80683.1. Guideline 9: Sociolinguistic Concepts and Terminology for Understanding English Language Development.
§ 80683.2. Guideline 10: Methods for Second Language Teaching.
§ 80683.3. Guideline 11: Literacy for English Language Development.
§ 80683.4. Guideline 12: Assessment of English Language Development.
§ 80685. Guideline Category 2: Guidelines for the Quality of Staff Development Programs.
§ 80686. Guideline Subcategory 2–A: Guidelines for the Qualifications of Staff Developers and Trainers of Staff Developers.
§ 80686.1. Guideline 13: Professional Qualifications of Staff Developers.
§ 80686.2. Guideline 14: Professional Qualifications of Trainers of Staff Developers.
§ 80687. Guideline Subcategory 2–B: Planning and Evaluation of Staff Development Programs.
§ 80687.1. Guideline 15: Planning and Organization of Staff Development Programs.
§ 80687.2. Guideline 16: Instructional Focus of Staff Development Programs.
§ 80687.3. Guideline 17: Matching Instructional Content with Participants' Prior Knowledge and Experience with English Learners.
§ 80687.4. Guideline 18: Active Modeling of Instructional Methods.
§ 80687.5. Guideline 19: Assessment of Staff Development Programs.

		Page
§ 80688.	Guideline Subcategory 2–C: Assessment of Staff Development Program Participants.	
§ 80688.1.	Guideline 20: Ongoing, Informal Evaluation of Each Participant's Learning.	
§ 80688.2.	Guideline 21: Assessment of Participants at the Conclusion of the Program.	
§ 80688.3.	Guideline 22: Assessment Requirements to Meet Federal Guidelines.	
§ 80689.	Guideline Subcategory 2–D: Administration of Staff Development Programs.	
§ 80689.1.	Guideline 22: Allocation of Resources for Staff Development Programs.	
§ 80689.2.	Guideline 23: Eligibility of Teachers to Participate in Combined SDAIE and ELD Staff Development in 45 Hours.	
§ 80689.3.	Guideline 24: Program Length, Participation and Record Keeping.	
§ 80689.4.	Guideline 25: Award of Certificates of Completion.	
§ 80690.	Guideline Subcategory 2–E: Eligibility of Organizations to Offer Staff Development Programs.	
§ 80690.1.	Guideline 26: Eligibility of Educational and Professional Organizations to Offer Staff Development Programs.	

Division 8. Commission on Teacher Credentialing

Chapter 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970

Article 1. General Provisions and Definitions

§ 80000. Scope.

NOTE: Authority cited for Section 80000: Sections 44232, 44254, 44263, 44342, and 44343, Education Code.

HISTORY

1. Amendment and renumbering of Part I, Division 7, Subchapter 17, Article 1 (Sections 5900–5903.2) to Part VIII, Chapter 1, Article 1 (Sections 80000–80006), filed 12–16–77; effective thirtieth day thereafter (Register 77, No. 51). For prior history see Registers 76, No. 12 and No. 5; Register 74, No. 51; and Register 73, No. 26.
2. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80000.1. Continuation of Rights.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. New section filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80001. Definitions and Terms.

For purposes of Division 8:

(a) "Applicant" means any applicant for a credential issued by the Commission.

(b) "Application for a credential" includes an application for a credential, an application for a renewal of a credential, an application to add new authorizations to an existing credential, or a request to take any special action in relation to the issuance of a credential.

(c) "Chair" means the Chair of the Commission pursuant to Education Code Section 44218.

(d) "Commission" means the Commission on Teacher Credentialing as established pursuant to Education Code Section 44210.

(e) "Credential" means any credential, life diploma, permit, certificate, waiver, or document issued by, or under the jurisdiction of, the Commission which entitles the holder to perform services for which certification qualifications are required. The official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from the Commission's official website.

(f) "Degree" means a baccalaureate or higher degree as specified in Education Code Section 44259(b)(1) earned through an approved college or university, regardless of its title, when the degree program contains no less subject matter preparation than a similar degree in a subject field other than professional education in the same institution.

(g) "Denial" includes the denial of any portion of an application for a credential, even though the requested credential is issued or renewed.

(h) "Executive Director" means the Executive Director to the Commission pursuant to Education Code Section 44220.

(i) "Issuance" means the granting of a credential based upon the application for or renewal of that credential.

(j) "Vice–Chair" means the Vice–Chair of the Commission.

(k) "Professional" credential means a credential for which all statutory and regulatory requirements have been met, excluding credentials issued on partial, preliminary, or emergency bases. A "clear" credential means a professional credential as herein defined.

(*l*) "Signature" or "signed" as used in this Chapter may include an electronic signature, as defined in Government Code section 16.5 and the California Code of Regulations, Title 2, Sections 22002 and 22005 or under any applicable state or federal law.

(m) "Submitted" as used in this Chapter includes any documentation required by the Commission that is delivered in–person, via a delivery service or electronically.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44267.5, 44330 and 44332.5, Education Code.

HISTORY

1. Amendment filed 5–30–78; effective thirtieth day thereafter (Register 78, No. 22).
2. Amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
3. Amendment filed 7–25–83; effective thirtieth day thereafter (Register 83, No. 30).
4. New subsections (*l*)–(m) and amendment of NOTE filed 5–8–2002 as an emergency; operative 5–8–2002 (Register 2002, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–5–2002 or emergency language will be repealed by operation of law on the following day.
5. A Certificate of Compliance as to 5–8–2002 order transmitted to OAL 9–5–2002 and filed 10–17–2002 (Register 2002, No. 42).
6. Amendment of first paragraph and subsections (c)–(f), (h) and (j) and amendment of NOTE filed 10–2–2007; operative 11–1–2007 (Register 2007, No. 40).

§ 80002. Issuance of Prior Credentials.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80003. Multiple Subject Teaching Credential Authorization for Service.

The Multiple Subject Teaching Credential authorizes the holder to provide the services described below in grades twelve and below, including preschool, and in classes organized primarily for adults.

(a) Teach all subjects in a self–contained class;

(b) Teach in a team teaching setting or regroup students across classrooms as authorized in Education Code Section 44258.15. For the purpose of this section, team teaching is defined as two teachers of the same grade level exchanging students for the purpose of instruction in specific subjects. Regrouping of students is the practice of two or more teachers combining students across classes for specific instructional purposes;

(c) Teach core classes to students in grades five through eight pursuant to Education Code Section 44258.1. Core classes consist of teaching two or more subjects to the same group of students; and

(d) Teach any of the core subjects he or she is teaching to a single group of students in the same grade level as the core classes for less than fifty percent of his or her work day.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(e), 44256(b), 44258.1 and 44258.15, Education Code.

HISTORY

1. Repealer and new section filed 2–11–2000; operative 3–12–2000 (Register 2000, No. 6). For prior history, see Register 97, No. 20.

§ 80004. Single Subject Teaching Credential Authorization for Service.

(a) The Single Subject Teaching Credential authorizes the holder to teach the subject area(s) listed on the document in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) The holder of a Single Subject Teaching Credential in the following subject areas is authorized to teach health science:

(1) Health Science,

(2) Life Science, and

(3) Physical Education if the document was initially issued prior to January 1, 1981.

(c) The holder of a Single Subject Teaching Credential in Agriculture, Business, Home Economics, Industrial Arts, or Industrial and Technology Education is authorized to teach the subject area listed on the document in classes designated as technical, trade, or vocational by the employing agency.

NOTE: Authority cited: Section 44225(e), Education Code. Reference: Sections 44225(q) and 44256, Education Code.

HISTORY

1. Amendment filed 3–26–81; effective thirtieth day thereafter (Register 81, No. 13).
2. New subsection (c) filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
3. Amendment of section heading, section and NOTE filed 5–31–2000; operative 6–30–2000 (Register 2000, No. 22).

§ 80005. Authorization for Subject Areas for Service in Departmentalized Classes.

(a) The holder of a Single Subject Teaching Credential may be assigned to teach the subjects which fall within the broad subject area listed on their document as found in 1 through 16. If a subject is listed below, it may only be taught by the holder of a Single Subject Teaching Credential with the broad subject area listed on their document. The holder of a Single Subject Teaching Credential may be assigned to teach a subject not listed below if the employing agency has determined its subject-matter content is directly related to the broad subject area.

(1) Agriculture: agricultural management, agricultural mechanics, agricultural science, animal science, forestry, horticulture, landscaping, and plant science;

(2) Art: art appreciation, art history, arts and crafts, art theory, calligraphy, cartooning, ceramics, commercial art, costume design, crafts, design, drawing, humanities, illustration, interior decoration, jewelry, leathermaking, painting, photography, sculpture, stagecraft, and yearbook;

(3) Business: accounting, business communications, business English, business mathematics, business management, business marketing, computer concepts and applications, consumer education, data processing, economics, general office occupations, keyboarding, marketing, shorthand, typewriting, and word processing;

(4) English: composition, creative writing, debate, drama, forensics, grammar, humanities, journalism, language arts, language structure, literature, poetry, public speaking, speech, theater arts, and yearbook;

(5) Health: child development, family life, human sexuality, nutrition, sexually transmitted disease education, and substance abuse;

(6) Home Economics: child development, clothing, consumer education, family life, foods, family economics, housing, human development, interior design, nutrition, parenting, and textiles;

(7) Industrial and Technology Education: automotive mechanics, carpentry, computer technology, construction, drafting, electricity, electronics, industrial crafts, industrial design, metals, millwork, photography, plastics, radio and television, technical science/power mechanics, welding, and woods;

(8) Languages Other Than English: courses in culture, grammar, composition, language structure, and literature of the language listed on the document;

(9) Mathematics: basic or general mathematics, algebra, calculus, computer science, consumer mathematics, geometry, mathematical analysis, statistics and probability, and trigonometry;

(10) Music: instrumental music, music appreciation, music theory, and vocal music;

(11) Physical Education: aquatics, dance, fundamental and creative movement, gymnastics, interscholastic sports, motor development or learning, physical conditioning, sports, and weightlifting;

(12) Science: Biological Science: anatomy, biology, botany, ecology, environmental science, evolution, genetics, physiology, and zoology;

(13) Science: Chemistry: chemical reactions, qualitative analysis, quantitative analysis, and structure and stability;

(14) Science: Geoscience: astronomy, cosmology, earth science, forestry, geology, meteorology, oceanography, and paleontology;

(15) Science: Physics: energy, mechanics, and thermodynamics;

(16) Social Science: American government, anthropology, contemporary issues, current events, cultural studies, economics, ethnic studies, geography, government, history, humanities, international government, law, politics, psychology, sociology, United States history, and world history.

(b) The holder of a teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may be assigned, with his or her consent, to teach subject-matter classes which do not fall within or are not directly related to the broad subject areas listed in (a) if the employing agency has determined the teacher has the requisite knowledge and skills. Verification of this decision must be kept on file in the office of the employing agency for purposes of the monitoring of certificated assignments pursuant to Education Code Section 44258.9(b). Such courses may include, but are not limited to, life skills, conflict management, study skills, leadership, teen skills, and study hall. Service in such assignments is limited to the grade level authorized by the teaching credential.

NOTE: Authority cited: Section 44225(e), Education Code. Reference: Sections 44225(q) and 44258.9, Education Code.

HISTORY

1. New section filed 5-31-2000; operative 6-30-2000 (Register 2000, No. 22). For prior history, see Register 82, No. 27.

§ 80006. Reading Instruction.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256 and 44282, Education Code.

HISTORY

1. Repealer filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80014. Requirements for the Reading Certificate.

(a) The requirements for the Reading Certificate include all of the following:

(1) Possession of a valid credential as specified in Education Code Section 44203(e).

(2) Completion of three years of successful full-time teaching experience in any grades preschool through adult, exclusive of student teaching, internship teaching, or teaching while holding an emergency credential or permit.

(3) An approved reading certificate program and recommendation for the certificate by a California institution of higher education authorized by the Commission or the Committee on Accreditation to recommend for the certificate.

NOTE: Authority cited: Sections 44225(q) and 44254, Education Code. Reference: Section 44254, Education Code.

HISTORY

1. New section filed 10-23-97; operative 11-22-97 (Register 97, No. 43).
2. Change without regulatory effect amending section filed 7-31-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80014.1. Authorization of and Period of Validity of the Reading Certificate.

(a) Authorization of the Reading Certificate: The Reading Certificate authorizes the holder to provide the following services to students at one or more school sites, at the grade levels authorized by the prerequisite credential in Education Code Section 44203(e):

(1) Provide student assessment in reading, and student instruction that is responsive to the assessments;

(2) Develop, implement and adapt reading instruction, and assist teachers with respect to the prevention and intervention of reading difficulties; and

(3) Develop, implement and adapt instruction, and assist teachers, to enable all students to read and comprehend the content of the curriculum.

(b) Period of validity: The Reading Certificate shall remain valid as long as the prerequisite credential in Education Code Section 44203(e) remains valid.

NOTE: Authority cited: Sections 44225(q) and 44254, Education Code. Reference: Section 44254, Education Code.

HISTORY

1. New section filed 10-23-97; operative 11-22-97 (Register 97, No. 43).

§ 80014.2. Application Procedure for a Reading Certificate.

Each applicant for a Reading Certificate shall submit form Application for Credential Authorizing Public School Service (form 41-4, rev. 7/96) to the California Commission on Teacher Credentialing or through the recommending institution, whichever is appropriate, which shall be accompanied by all of the following:

(a) If the applicant does not already have fingerprint clearance on file with the Commission, the certificate application must include duplicate personal identification cards as specified in Section 80442 and form Application for Character and Identification Clearance (form 41-CIC, rev. 11/96).

(b) The fee(s) as specified in Section 80487.

(c) Official transcripts listing college and university course work as specified in Section 80435.

(d) Scores on the Reading Instruction Competence Assessment (RICA), if applicable.

NOTE: Authority cited: Sections 44225(q) and 44254, Education Code. Reference: Section 44254, Education Code.

HISTORY

1. New section filed 10–23–97; operative 11–22–97 (Register 97, No. 43).

§ 80015. Requirements for the Crosscultural, Language and Academic Development (CLAD) Certificate.

A Crosscultural, Language and Academic Development (CLAD) Certificate can be earned in the following ways:

(a) Through supplementary coursework: The requirements for earning a CLAD Certificate through supplementary coursework include (1) through (4) below:

(1) Possession of a valid credential or permit as specified in Section 80015.2(a).

(2) Verification of experience learning a second language obtained through one of the options described in subsections (A) through (P). One of the options must be completed. Partial completion of more than one option will not be accepted except that an applicant may combine partial completion of semester units under option (A) with language training under option (B) at fifteen hours of training equaling one semester unit. Any option or the combination of (A) and (B) must be completed with one language.

(A) Completion of six semester units (or nine quarter units) in coursework that emphasizes the learning of a language other than English (including American Sign Language). A grade of "C" or better, "Pass," or "Credit," must be earned in each course. This option must be verified by an official transcript from a regionally accredited college or university, or comparable institution outside the United States. Professional Development and Continuing Education units from such institutions are acceptable. Coursework in the methodology of teaching a language is not acceptable.

(B) Completion of 90 hours of language training, with a grade of "C" or better or the equivalent, in a language other than English offered under the auspices of the California Department of Education's Bilingual Teacher Training Program (BTTP) or by a county office or school district whose program, prior to its implementation, has been deemed equivalent to the BTTP by the California Department of Education. This training is to be verified by a letter signed by an authorized representative of the BTTP or county or district program.

(C) Successful completion of the training in a language other than English given by the Peace Corps to volunteers preparing to serve in a non–English speaking country, verified by official Peace Corps documentation.

(D) Passage of either the Oral Subtest, the Essay Subtest, or the Reading Comprehension and Usage Subtest in a language other than English of a Bilingual Certificate of Competence Examination (administered pursuant to Education Code Sections 44253.5 and 44253.6 as those sections existed on December 31, 1992), verified by an official score report.

(E) Passage of any two of the four parts (listening, reading, speaking, and writing) of Test 6 of the CLAD/BCLAD Examinations, described in Section 80015.3, verified by an official score report.

(F) Passage of any nationally administered, standardized examination in a language other than English for which the Commission has established a passing score, verified by an official score report.

(G) A proficiency level of "novice–high" or above on the American Council on the Teaching of Foreign Languages, Inc. (ACTFL) Proficiency Guidelines or "0+" (zero plus) or above on the Interagency Language Roundtable (ILR) Proficiency Descriptions, verified by an official score report.

(H) A score on a College–Level Examination Program (CLEP) examination in a language other than English administered by the College Board equal to or higher than the minimum score recommended by the American Council on Education for awarding credit for two semesters, verified by an official score report.

(I) Possession of a teaching credential from another state that authorizes instruction in a language other than English.

(J) Residence in a non–English speaking country or countries for twelve consecutive months at age 18 or older, verified by passports, work visas, letters from employers, or other documents.

(K) Successful completion of one academic year (over a single period) at age 14 or above at a school in which all instruction, except in the subject area of English, was delivered in a language other than English, verified by an official transcript or a letter from the school.

(L) Successful completion of two academic years between the ages of 10 and 14, inclusive, at a school in which all instruction, except in the subject area of English, was delivered in a language other than English, verified by an official transcript or a letter from the school.

(M) Initial arrival at age 12 or older in the United States after having spent the years from birth to age 12 in a non–English speaking country or countries, verified by a birth certificate, passport, entry visas, or other documents.

(N) Successful completion of three years of course work in a language other than English in grades seven through 12 in a public or private school with an average grade of B or better, verified by an official transcript or a letter from the school.

(O) Achievement of a score on the Advanced Placement Examination in a language other than English offered by Educational Testing Service for which college credit or advanced standing is awarded, verified by either an official transcript or a letter from the registrar's or admission's office from a regionally accredited institution of higher education.

(P) Achievement on a college or university placement examination in a language other than English for which 1) a minimum of six semester academic units or the equivalent quarter units are awarded or 2) placement in an advanced level course, defined as no lower than the second year of a multi–year sequence, is given or 3) an exemption from a one year requirement is granted. This must be verified by either an official transcript or a letter from the registrar's or admission's office from a regionally accredited institution of higher education.

(3) Completion of 24 semester units (or 36 quarter units) or 12 upper–division/graduate semester units (or 18 upper–division/graduate quarter units) of coursework. The coursework must be applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university, and must be verified by an official transcript from such an institution. A grade of "C" or higher, "Pass," or "Credit" must be earned in each course. All of the coursework must be in the three subject areas listed in subsections (A), (B), and (C) below, and all three of the subject areas must be covered in the set of coursework used to satisfy this requirement.

(A) Language structure and first– and second–language development, including the following:

1. Language structure and use: universals and differences (including the structure of English), and

2. Theories and factors in first– and second–language development.

(B) Methodology of bilingual instruction, instruction for English language development, and specially designed academic instruction delivered in English, including the following:

1. Theories and methods of bilingual education.

2. Theories and methods of instruction for English language development.

3. Theories and methods of specially designed academic instruction delivered in English, and

4. Language and content area assessment.

(C) Culture and cultural diversity, including the following:

1. Nature and content of culture,

2. Crosscultural contact and interactions,

3. Cultural diversity in the United States and California, and

4. Providing culturally responsive instruction.

(4) Submission of a complete application packet and fee(s) as specified in Section 80487.

(5) The holder of a Supplementary Authorization in either English as a Second Language (ESL) or Introductory ESL may use that document to earn a CLAD Certificate. A Supplementary Authorization in ESL or Introductory ESL will remain valid as long as the holder's prerequisite teaching credential remains valid. A Supplementary Authorization in

ESL or Introductory ESL authorizes instruction for English language development, as defined in Education Code Section 44253.2(a), at the levels and in the grades specified in Sections 80057.5 and 80089 as those sections existed on January 1, 1993. The requirements for earning a CLAD Certificate for holders of the Supplementary Authorization in ESL or Introductory ESL include all of the following:

(A) Experience learning a second language as specified in Section 80015(a)(2).

(B) Completion of three semester units (or four quarter units) of coursework in the theories and methods of specially designed academic instruction delivered in English. The coursework must be applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university, and must be verified by an official transcript from such an institution. A grade of "C" or higher, "Pass," or "Credit" must be earned in each course.

(C) Submission of a complete application packet and fee(s) as specified in Section 80487.

(6) The holder of a certificate of completion issued pursuant to Education Code § 44253.10 may use that document to earn a CLAD Certificate. The requirements for earning a CLAD Certificate for holders of such a certificate of completion include all of the following:

(A) Possession of a valid credential or permit as specified in Section 80015.2(a).

(B) Experience learning a second language as specified in Section 80015(a)(2).

(C) Completion of coursework as follows:

1. Holders of a certificate of completion for specially designed academic instruction delivered in English (SDAIE) earned by successful completion of either the staff development program specified in Section 80680(a)(1) or an equivalent three semester unit (or four quarter unit class) at a regionally accredited college or university must complete nine semester units (or twelve quarter units) of upper–division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)3, and (C)4.

2. Holders of a certificate of completion for English language development (ELD) earned by successful completion of either the staff development program specified in Section 80680(a)(2) or an equivalent three semester unit (or four quarter unit) class at a regionally accredited college or university must complete nine semester units (or twelve quarter units) of upper–division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)2, and (C)4.

3. Holders of two certificates of completion, one for SDAIE and one for ELD earned by successful completion of either the staff development programs specified in Section 80680(a)(1) and 80680(a)(2) or two equivalent three semester unit (or four quarter unit) classes at a regionally accredited college or university must complete six semester units (or eight quarter units) of upper–division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)2, (B)3, and (C)4.

4. Holders of a certificate of completion for both SDAIE and ELD earned by successful completion of either the staff development program specified in Section 80680(a)(3) or an equivalent three semester unit (or four quarter unit) class at a regionally accredited college or university must complete nine semester units (or twelve quarter units) of upper–division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)2, (B)3, and (C)4.

(D) Submission of the original certificate or certificates of completion, or a verified true copy, as established in § 80435, of each certificate, used to apply for the CLAD Certificate.

(E) Submission of a complete application packet and fee(s) as specified in Section 80487.

(b) By examination: The requirements for earning a CLAD Certificate by examination include all of the following:

(1) Possession of a valid credential or permit as specified in Section 80015.2(a).

(2) Experience learning a second language as specified in Section 80015(a)(2).

(3) Tests 1, 2, and 3 of the CLAD/BCLAD Examinations described in Section 80015.3. Each passing score must have been earned within five years prior to the date of application for a CLAD Certificate.

(4) Submission of a complete application packet and fee(s) as specified in Section 80487.

(c) By converting a Language Development Specialist Certificate: Converting a Language Development Specialist Certificate to a CLAD Certificate is not required. Unless used to apply for a CLAD Certificate, a Language Development Specialist Certificate shall remain valid as long as the holder's prerequisite teaching credential remains valid. The Language Development Specialist Certificate authorizes the same services as the CLAD Certificate as specified in Section 80015.2(b). The requirements for earning a CLAD Certificate by converting a Language Development Specialist Certificate include all of the following:

(1) Submission of the valid Language Development Specialist Certificate issued to the applicant.

(2) Submission of a complete application packet and a fee equal to one–half of the current credential application fee as specified in Section 80487.

NOTE: Authority cited: Sections 44253.9 and 44225(q), Education Code. Reference: Sections 44253.3, 44253.6, 44253.10, 44225(b) and 44225(d), Education Code.

HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).
2. Amendment of subsection (a)(2) and new subsections (a)(2)(N)–(P) filed 3–12–97; operative 4–11–97 (Register 97, No. 11).
3. Editorial correction of subsection (a)(2)(G) (Register 97, No. 46).
4. Amendment of section and NOTE filed 3–10–98; operative 4–9–98 (Register 98, No. 11).
5. Amendment of subsection (a)(2)(N) filed 1–8–2001; operative 2–7–2001 (Register 2001, No. 2).
6. Change without regulatory effect repealing subsection (b)(3), redesignating former subsection (b)(3)(A) as new subsection (b)(3) and repealing subsections (b)(3)(B)–(C) filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80015.1. Requirements for the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.

A Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate can be earned in one of the following ways:

(a) By examination: The requirements for earning a BCLAD Certificate by examination include all of the requirements specified in subsections (1), (2), and (3) below:

(1) Possession of a valid credential or permit as specified in Section 80015.2(a).

(2) Completion of one of the requirements listed below in subsections (A) through (I). The Bilingual Certificate of Competence (BCC) Examination referred to in this section is the examination that was administered pursuant to Education Code Sections 44253.5 and 44253.6 as those sections existed on December 31, 1992. All test scores used to qualify for a BCLAD Certificate, with the exception of scores on the BCC Examination, must have been earned within seven years prior to the date of application for the BCLAD Certificate. BCC Examination scores used to qualify for a BCLAD Certificate must have been earned within nine years prior to the date of application for the BCLAD Certificate. The CLAD/BCLAD Examinations referred to in this subsection are those examinations described in Section 80015.3. In subsections (A), (E), (F), and (I) below, passage of the Language Component of the BCC Examination means passage of all three sections of that component that assess proficiency in a language other than English: oral, essay, and reading comprehension and usage. Passage of only one or two of these three sections will require the passage of all parts of Test 6 of the CLAD/BCLAD Examinations except those parts that assess the same area of proficiency assessed on the section(s) of the Language Component of the BCC Examination that were passed.

(A) Passage of the Culture, Methodology, and Language Components of the BCC Examination.

(B) Passage of Tests 1 through 6 of the CLAD/BCLAD Examinations.

(C) Passage of Tests 4, 5 and 6 of the CLAD/BCLAD Examinations and one of the following:

1. Possession of a Language Development Specialist Certificate (pursuant to Article 3.5, commencing with Section 44475, of Chapter 3 of the Education Code as that article existed on December 31, 1992).

2. Completion of the coursework described in Section 80015(a)(3).

3. Possession of a CLAD Certificate as described in Section 80015.

(D) Passage of the Culture and Methodology Components of the BCC Examination and passage of Test 6 of the CLAD/BCLAD Examinations.

(E) Passage of the Language and Culture Components of the BCC Examination and passage of Tests 2 and 4 of the CLAD/BCLAD Examinations.

(F) Passage of the Language and Methodology Components of the BCC Examination and passage of Test 5 of the CLAD/BCLAD Examinations.

(G) Passage of the Culture Component of the BCC Examination and passage of Tests 1–4 and 6 of the CLAD/BCLAD Examinations.

(H) Passage of the Methodology Component of the BCC Examination and passage of Test 1, 3, 5, and 6 of the CLAD/BCLAD Examinations.

(I) Passage of the Language Component of the BCC Examination and passage of Tests 1–5 of the CLAD/BCLAD Examinations.

(3) Submission of a complete application packet and fee(s) as specified in Section 80487.

(4) In subsections (B), (C), (D), (G), and (H) above, the requirement to pass Test 6 of the CLAD/BCLAD Examinations may be waived by either of the following:

(A) Possession of a valid, non–emergency California Single Subject or Standard Secondary Teaching Credential with a major in a language other than English.

(B) Possession of a three–year or higher degree from a foreign institution in which all instruction is delivered in a language other than English. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States.

(b) By converting a Bilingual Certificate of Competence: Converting a Bilingual Certificate of Competence to a BCLAD Certificate is not required. Unless used to apply for a BCLAD Certificate, a Bilingual Certificate of Competence shall remain valid as long as the holder's prerequisite teaching credential remains valid. The Bilingual Certificate of Competence authorizes the same services as the BCLAD Certificate as specified in Section 80015.2(c). The requirements for earning a BCLAD Certificate by converting a Bilingual Certificate of Competence include all of the following:

(1) Submission of the valid Bilingual Certificate of Competence issued to the applicant.

(2) Submission of a complete application packet and a fee equal to one–half of the current credential application fee as specified in Section 80487.

NOTE: Authority cited: Sections 44253.9 and 44225(q), Education Code. Reference: Sections 44253.4, 44253.6, 44225(b) and 44225(d), Education Code.

HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).
2. Change without regulatory effect repealing subsection (a)(2)(C)1. and renumbering subsections filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80015.2. Prerequisite Credential or Permit for, Authorization of, and Period of Validity of the Crosscultural, Language and Academic Development (CLAD) Certificate and the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.

(a) Applicants for a Crosscultural, Language and Academic Development (CLAD) Certificate or a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate, must possess a valid California teaching credential, services credential, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12 inclusive, or classes primarily organized for adults, except for the following:

(1) Emergency credentials or permits.

(2) Exchange credentials as specified in Education Code Section 44333.

(3) District intern certificates as specified in Education Code Section 44325.

(4) Sojourn certified employee credentials as specified in Education Code Section 44856.

(5) Teacher education internship credentials as specified in Article 3 (commencing with Education Code Section 44450) of Chapter 3.

(b) Authorization of the CLAD Certificate: The CLAD Certificate authorizes the holder to provide both of the following services to limited–English–proficient students:

(1) Instruction for English language development, as defined in Education Code Section 44253.2(a), in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except in the following situations:

(A) If the prerequisite credential or permit specified in Section 80015.2(a) is a children's center instructional permit, or a children's center supervision permit, then instruction for English language development shall be limited to the programs authorized by that permit.

(B) If the prerequisite credential or permit specified in Section 80015.2(a) is a designated subjects teaching credential in adult education, then instruction for English language development shall be limited to classes organized primarily for adults.

(2) Specially designed academic instruction delivered in English, defined in Education Code Section 44253.2(b) as specially designed content instruction delivered in English, in the subjects and at the levels authorized by the prerequisite credential or permit specified in Section 80015.2(a).

(c) Authorization of the BCLAD Certificate: The BCLAD Certificate authorizes the holder to provide both of the services authorized by the CLAD Certificate as specified in Section 80015.2(b) and both of the following services to limited–English–proficient students whose primary language is the language indicated on the BCLAD Certificate:

(1) Content instruction delivered in the students' primary language in the subjects and at the levels authorized by the prerequisite credential or permit specified in Section 80015.2(a).

(2) Instruction for primary language development, as defined in Education Code Section 44253.2(d), in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except in the following situations:

(A) If the prerequisite credential or permit specified in Section 80015.2(a) is a children's center instructional permit, or a children's center supervision permit, then instruction for primary language development shall be limited to the programs authorized by that permit.

(B) If the prerequisite credential or permit specified in Section 80015.2(a) is a designated subjects teaching credential in adult education, then instruction for primary language development shall be limited to classes organized primarily for adults.

(d) Period of validity: The CLAD Certificate and the BCLAD Certificate shall remain valid as long as the prerequisite credential or permit specified in Section 80015.2(a) remains valid.

NOTE: Authority cited: Section 44253.9, Education Code. Reference: Sections 44253.3 and 44253.4, Education Code.

HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).
2. Amendment of subsection (b)(2) filed 3–10–98; operative 4–9–98 (Register 98, No. 11).

§ 80015.3. The CLAD/BCLAD Examinations.

(a) The CLAD/BCLAD Examinations include the following six tests:

(1) Test 1, covering language structure and first– and second–language development, including topics such as the following:

(A) Language structure and use: universals and differences (including the structure of English)

(B) Theories and factors in first- and second-language development.

(2) Test 2, covering methodology of bilingual instruction, instruction for English language development, and specially designed academic instruction delivered in English, including topics such as the following:

(A) Theories and methods of bilingual education.

(B) Theories and methods of instruction for English language development.

(C) Theories and methods of specially designed academic instruction delivered in English.

(D) Language and content area assessment.

(3) Test 3, covering culture and cultural diversity, including topics such as the following:

(A) Nature and content of culture.

(B) Crosscultural contact and interactions.

(C) Cultural diversity in United States and California.

(D) Providing culturally responsive instruction.

(4) Test 4, covering methodology for primary language instruction, including topics such as the following:

(A) Instructional delivery.

(B) Language and content assessment in the primary language.

(C) Evaluation and use of primary language materials for instruction and assessment.

(5) Test 5, covering the culture of emphasis, which is the culture associated with the language to be indicated on the BCLAD Certificate. There will be multiple Test 5s, each covering a different culture of emphasis and each including such as the following:

(A) Origins and characteristics of the culture of emphasis.

(B) The culture of emphasis in the United States and California.

(6) Test 6, covering the language of emphasis, which is the language to be indicated on the BCLAD Certificate. There will be multiple Test 6s, each covering a different language of emphasis and consisting of the following four parts:

(A) Listening.

(B) Reading.

(C) Speaking.

(D) Writing.

(b) Application to take the CLAD/BCLAD Examinations: Application to take any or all of Tests 1–5 of the CLAD/BCLAD Examinations and any or all of the four parts of Test 6 of the CLAD/BCLAD Examinations must be made to the Commission or its contracted agency.

NOTE: Authority cited: Section 44253.9, Education Code. Reference: Section 44253.5, Education Code.

HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).
2. Amendment of section and NOTE filed 3–10–98; operative 4–9–98 (Register 98, No. 11).

§ 80015.4. Multiple and Single Subject Credentials with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.

(a) Teachers who complete a Commission-approved professional preparation program for a Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis following the implementation date of this section will be issued a Multiple or Single Subject Credential with a Bilingual, Crosscultural, Language and Academic Development Emphasis.

(b) Teachers who hold a non-emergency Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis may convert that credential to a Multiple or Single Subject Credential with a Bilingual, Crosscultural, language and Academic Development Emphasis of the same type and with the same validity period as the former credential by meeting the following requirements:

(1) Submission of a valid non-emergency Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis issued to the applicant.

(2) Submission of a completed application packet and a fee equal to one-half of the current credential application fee as specified in Section 80487.

(c) Upon renewal of a preliminary, clear, or professional clear Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis, the holder of that credential for no additional fee beyond the credential renewal fee, will, if all renewal requirements are met, be issued a Multiple or Single Subject Credential with a Bilingual, Crosscultural, Language and Academic Development Emphasis.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(d), Education Code.

HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).

§ 80016. Certificates of Completion of Staff Development to Teach English Language Development and/or Specially Designed Academic Instruction Delivered in English to Limited-English-Proficient Students.

(a) Applicants for a Certificate of Completion of Staff Development to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students must meet the following requirements:

(1) hold a valid basic teaching credential as defined in Education Code Section 44203(e);

(2) by January 1, 1999, meet the employment status criteria described in Education Code Section 44253.10(a)(1) as verified by the teacher under penalty of perjury and subject to audit by the Commission;

(3) complete one of the following staff development programs in methods of specially designed content instruction delivered in English or English language development, or both, as specified, that has been determined by the Commission to meet the guidelines and standards established pursuant to Education Code Section 44253.10, prior to January 1, 2005, and submit verification by the school district, county office of education, college or university, or other approved agency, whose program has been approved by the Commission, on the Recommendation for Certificate of Completion of Staff Development form (41-395 rev. 5/00) provided by the Commission:

(A) To provide specially designed content instruction delivered in English as defined in Education Code Section 44253.2(b) to students in a class or subject authorized by the applicant's basic teaching credential: 45 clock hours in either specially designed content instruction delivered in English or in a combination of specially designed content instruction delivered in English and English language development.

(B) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a departmentalized class in the subject and grade authorized by the applicant's basic teaching credential: the same 45 clock hours in specially designed content instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above.

(C) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a self-contained classroom, either 1. or 2. below:

1. nine years of experience in California public schools verified by the teacher under penalty of perjury and subject to audit by the Commission, experience or training in teaching limited-English-proficient students as described in Title 5 Section 80689.2(a)(2) verified by the teacher under penalty of perjury and subject to audit by the Commission, and the same 45 clock hours in specially designed academic instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above.

2. fewer than nine years of experience in California public schools or insufficient experience or training in teaching limited-English-proficient students to meet the requirements of subsection (a)(3)(C)1. above and the same 45 clock hours in specially designed academic instruction

delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above, plus, within three years of completing the staff development in subsection (A) and before January 1, 2008, an additional 45 clock hours in English language development, or combination of specially designed content instruction delivered in English and English language development.

(4) Submit a completed Application for Credential Authorizing Public School Service (form 41–4 rev. 7/00), verification of completion of the above requirements, including the Recommendation for Certificate of Completion of Staff Development (form 41–395 rev. 5/00) and employment–status and experience self–verifications, and a fee of forty–five dollars.

(b) Period of validity: The Certificate of Completion of Staff Development shall remain valid as long as the basic teaching credential, defined in (a)(1), remains valid.

NOTE: Authority cited: Sections 44225(q) and 44253.10, Education Code. Reference: Sections 44203(e), 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 4–25–2001; operative 5–25–2001 (Register 2001, No. 17).

§ 80020. Additional Assignment Authorizations for Specified Teaching Credentials.

(a) The holder of a General Kindergarten–Primary Teaching Credential may be assigned, with his or her consent, to teach self–contained classes in grades four through eight.

(b) The holder of a Standard Elementary Teaching Credential may be assigned, with his or her consent, to teach self–contained classes in grades preschool, ten through twelve, and in classes organized primarily for adults, and to teach departmentalized classes in the subject or subjects of his or her majors or minors in grades nine and below.

(c) The holder of a Standard Teaching Credential for Early Childhood Education may be assigned, with his or her consent, to teach self–contained classes in grades four through twelve, and in classes organized primarily for adults, and to teach departmentalized classes in the subject or subjects of his or her majors or minors in grades nine and below.

(d) The holder of a General Secondary Teaching Credential may be assigned, with his or her consent, to teach departmentalized classes in grades kindergarten through six in the subjects of his or her majors or minors or in subjects in which he or she has taught successfully for three years within the ten years prior to the assignment.

(e) The holder of a General Junior High Teaching Credential may be assigned, with his or her consent, to teach classes in grades kindergarten through grades six in the subjects of his or her majors or minors or in subjects in which he or she has taught successfully for three years within the ten years prior to the assignment.

(f) The holder of a Standard Secondary Teaching Credential may be assigned, with his or her consent, to teach departmentalized classes in grades preschool, kindergarten through six, and in classes organized primarily for adults in the subjects of his or her majors or minors.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

HISTORY

1. New section filed 9–20–94; operative 10–20–94 (Register 94, No. 38).

§ 80020.1. Additional Assignment Authorizations for Specific Special Education Credentials.

(a) The holder of the following credentials may be assigned, with his or her consent, to teach preschool age students in the disability area(s) authorized by the credential. The holder must have successfully taught preschool age students for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:

(1) Standard Elementary and Standard Secondary Teaching Credential with a minor in Mentally Retarded,

(2) Standard Limited Specialized Preparation Teaching Credential with a major in Mentally Retarded,

(3) Exceptional Children Teaching Credential with a major in Mentally Retarded,

(4) Standard Restricted Teaching Credential with a minor in Trainable Mentally Retarded or Educable Mentally Retarded, and

(5) Special Secondary Teaching Credential with a major in Mentally Retarded.

(b) The holder of the following credentials may be assigned, with his or her consent, to teach students ages birth to preschool in the disability area(s) authorized by the credential. The holder must have successfully taught students ages birth to preschool for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:

(1) Standard Elementary and Standard Secondary Teaching Credential with a minor in Speech and Hearing Handicapped, Deaf and Severely Hard–of–Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

(2) Standard Limited Specialized Preparation Teaching Credential with a major in Speech and Hearing Handicapped, Deaf and Severely Hard–of–Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

(3) Exceptional Children Teaching Credential with a major in Speech Correction and Lip Reading, Deaf or Hard–of–Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

(4) Standard Restricted Teaching Credential with a minor in Speech and Hearing Therapy, Deaf and Severely Hard–of–Hearing, Visually Handicapped, Orthopedically Handicapped Including the Cerebral Palsied, Deaf–Blind, or Severely Hard–of–Hearing, and

(5) Special Secondary Teaching Credential with a major in Correction of Speech Defects, Deaf, Lip Reading, or Partially Sighted Child, and Blind.

(c) The holder of the following credentials may be assigned, with his or her consent, to teach students ages birth to preschool in the disability area(s) authorized by the credential. The holder must have successfully taught students ages birth to pre–kindergarten for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:

(1) Specialist Instruction Teaching Credential with a major in Communication Handicapped, Physically Handicapped or Visually Handicapped and

(2) Specialist Instruction Teaching Credential with a major in Learning Handicapped or Severely Handicapped.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(b) and 44225(e), Education Code.

HISTORY

1. New section filed 4–7–2003; operative 5–7–2003 (Register 2003, No. 15).
2. Amendment of subsection (c)(1) and new subsection (c)(2) filed 10–20–2003; operative 11–19–2003 (Register 2003, No. 43).

§ 80020.3. Additional Assignment Authorizations for Specified Administrative and Supervision Credentials.

(a) The holder of a General Elementary or General Secondary School Administration Credential may be assigned, with his or her consent, to any administrative position in a school district or county office of education provided that he or she has been employed successfully for a minimum of three years in an administrative assignment authorized by the credential.

(b) The holder of a General Supervision or Standard Supervision Credential may be assigned, with his or her consent, to any administrative position in a school district or county office of education provided that he or she has been employed successfully for a minimum of three years in an administrative assignment authorized by the credential.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

HISTORY

1. New section filed 9–20–94; operative 10–20–94 (Register 94, No. 38).

§ 80020.4. Teachers Serving as Staff Developer.

(a) The holder of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may serve as school–site, school district, and or

county staff developer in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) A teacher serving as the staff developer for a specific subject must hold a credential in the subject or have his or her expertise in the subject verified and approved by the local governing board.

(c) The holder of a California designated subjects adult teaching credential may serve as the school–site, school district, and or county staff developer for adult teaching subject areas.

(d) The holder of a California designated subjects vocational teaching credential may serve as the school–site, school district, and or county staff developer for vocational teaching subject areas.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(d), Education Code.

HISTORY

1. New section filed 4–14–2000; operative 5–14–2000 (Register 2000, No. 15).

§ 80020.4.1. Services a Teacher May Provide.

(a) The holder of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning at the school site in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) The holder of a California designated subjects adult teaching credential may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning for adult teaching subject areas.

(c) The holder of a California designated subjects vocational teaching credential may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning for vocational teaching subject areas.

(d) Irrespective of the provisions set out in this section, only individuals who hold either the Reading and Language Arts Specialist Credential or Administrative Services Credential may develop, direct, implement, and coordinate school district or county reading programs. Effective July 1, 2004, school site reading programs may only be developed, directed, implemented, or coordinated by individuals who hold the Reading and Language Arts Specialist Credential, Restricted Reading Specialist Credential, Reading Certificate, or Administrative Services Credential.

(e) An individual who has developed, directed, implemented, or coordinated reading programs for a minimum of three years prior to July 1, 2004, on the basis of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, shall be authorized to continue in such assignment. Verification of this teaching experience must be kept on file in the office of the employing agency for purposes of the monitoring of certificated assignments pursuant to Education Code Section 44258.9(b).

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d) and 44258.9(b), Education Code.

HISTORY

1. New section filed 4–14–2000; operative 5–14–2000 (Register 2000, No. 15).

2. Amendment of section heading and section filed 12–23–2002; operative 1–22–2003 (Register 2002, No. 52).

§ 80020.5. Additional Assignment Authorizations for Specified Pupil Personnel Services Credentials.

The holder of a General Pupil Personnel Services Credential or a Standard Designated Services Credential with Specialization in Pupil Personnel Services may be assigned, with his or consent, to provide the services authorized by the credential in preschools and in schools organized primarily for adults.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

HISTORY

1. New section filed 9–20–94; operative 10–20–94 (Register 94, No. 38).

Article 2. Credential Types, Authorizations, and Requirements

§ 80021. Multiple Subject, Single Subject or Education Specialist Short–Term Staff Permit.

Employing agencies shall request the Multiple Subject, Single Subject or Education Specialist Short–Term Staff Permit when there is an acute staffing need.

(a) The employing agencies shall demonstrate that applicants for the Short–Term Staff Permit have completed all of the following requirements:

(1) Possession of a baccalaureate or higher degree from a regionally accredited college or university.

(2) Meet the basic skills requirement as described in Education Code Section 44252, unless exempt by statutes or regulations.

(3) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate non–remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" as found in (A), (B) and (C) below. Non–remedial coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

(A) For the Single Subject Short–Term Staff Permit, at least 18 semester units of course work in the subject to be listed.

(B) For the Multiple Subject Short–Term Staff Permit, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units of course work in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science and human development.

(C) For the Education Specialist Short–Term Staff Permit either (A) or (B) above or verify a minimum of three years of successful full–time classroom experience, or the equivalent in part–time experience, working with special education students or verify a minimum of nine semester units of course work in special education or in a combination of special education and regular education that are appropriate to special education or regular education teaching credential.

(4) The employing agency shall verify or submit the following to the Commission:

(A) That it has conducted a local recruitment for the Short–Term Staff Permit being requested.

(B) That it has provided permit holders with orientation to the curriculum and to techniques of instruction and classroom management and assigned a mentor teacher for the term of the Short–Term Staff Permit.

(C) Written justification for the Short–Term Staff Permit signed by the employing agency's Superintendent or designee. In the case of a state certified non–public school, the director of the school must sign the justification.

(b) The Short–Term Staff Permit shall be issued for no more than one–year, provided that it shall expire at the end of the employing agency's school year and shall not be issued more than once to an individual. The end of the school year shall be no later than July 1 unless the Short–Term Staff Permit is being used for a summer school assignment whereby the end of the school year shall be no later than September 1.

(c) Individuals who were issued an emergency permit pursuant to Education Code Section 44300 that was reissued four times do not qualify for the Short–Term Staff permit.

(d) Use of the Short–Term Staff Permit shall be restricted to the employing agency requesting the permit.

(e) The Short–Term Staff Permit shall authorize the following:

(1) A Multiple Subject Short–Term Staff Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) A Single Subject Short–Term Staff Permit authorizes the same service as a Single Subject Teaching Credential.

(3) An Education Specialist Short–Term Staff Permit authorizes the same service as an Education Specialist Teaching Credential.

(f) Definitions:

(1) The term "employing agencies" as used in this section shall mean:

(A) Public school districts in California.

(B) County offices of education or county superintendents of schools in California.

(C) Schools that operate under the direction of a California state agency.

(D) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.

(E) Charter Schools as established in Education Code Section 47605.

(2) The term "acute staffing" as used in this section shall mean when an employing agency needs to fill a classroom immediately based on an unforeseen need including but not limited to:

(A) individual needs additional time to complete pre–service requirements for enrollment into a Commission–approved internship program.

(B) enrollment adjustments require the addition of another teacher.

(C) individual is unable to enroll in a Commission–approved internship program due to timelines or lack of space in the program.

(D) unavailability of a third–year extension or withdrawal from an internship program.

(E) teacher of record is unable to finish the school year due to approved leave/illness.

NOTE: Authority cited: Section 44225(a), Education Code. Reference: Sections 44225(b), 44225(d) and 44225(*l*), Education Code.

HISTORY

1. New section filed 5–5–2005; operative 6–4–2005 (Register 2005, No. 18).
2. Repealer and new section (a)(2), amendment of subsections (b) and (f)(2) and new subsections (f)(2)(A)–(E) filed 6–24–2008; operative 7–24–2008 (Register 2008, No. 26).

§ 80021.1. Multiple Subject, Single Subject or Education Specialist Provisional Internship Permit.

Employing agencies shall request the Multiple Subject, Single Subject or Education Specialist Provisional Internship Permit when a suitable credentialed teacher cannot be found after a diligent search.

(a) The employing agencies shall demonstrate that applicants for a Provisional Internship Permit have completed the following requirements:

(1) Possession of a baccalaureate or higher degree from a regionally accredited college or university.

(2) Verification of passage of the California Basic Education Skills Test (CBEST).

(3) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate non–remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" as found in (A), (B) and (C) below. Non–remedial coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

(A) For the Single Subject Provisional Internship Permit, at least 18 semester units of course work in the subject to be listed: or

(B) For the Multiple Subject Provisional Internship Permit, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units of course work in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science and human development.

(C) For the Education Specialist Provisional Internship Permit, either (A) or (B) above or verify a minimum of three years of successful full–time classroom experience, or the equivalent in part–time experience, working with special education students or verify a minimum of nine semester units of course work in special education or in a combination of special education and regular education that are appropriate to special education or regular education teaching credential.

(4) The employing agencies shall verify or submit all of the following to the Commission with each request:

(A) That a diligent search has been conducted for a suitable credentialed teacher or suitable qualified internship teacher as evidenced by documentation of that search.

(B) That orientation, guidance and assistance to permit holders, as specified in Section 80026.5, will be provided.

(C) That the employing agency will assist the permit holder in developing a personalized plan through an agency defined assessment that would lead to subject matter competence that is related to the Provisional Internship Permit.

(D) That the employing agency will assist the permit holder to seek and enroll in subject–matter training, such as workshop or seminar formats and site–based courses along with training in test–taking strategies and will assist permit holders in meeting the credential subject–matter competence requirement that is related to the Provisional Internship Permit.

(E) Verification that a notice of intent to employ the applicant in the identified position has been made public as follows:

(i) If the permit is being submitted by a public school district, it must include a copy of the agenda item presented to the governing board of the district in a public meeting with a signed statement from the superintendent, or his or her designee, that the item was acted upon favorably. The agenda item must state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a Provisional Internship Permit.

(ii) If the permit is being submitted by a county office of education, state operated school, or nonpublic, nonsectarian school or agency, it must include a dated copy of the notice that was posted at least 72 hours before the position was filled and a signed statement from the superintendent or administrator or his or her designee that there were no objections to the permit. The notice must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a Provisional Internship Permit.

(F) Verification that the candidate has been apprised of steps to earn a credential and enroll in an internship program.

(b) The Provisional Internship Permit shall be issued in one–year increments for no more than two years. A permit may not be renewed for a second year unless the permit holder has taken all of the subject matter examinations that are listed on the Provisional Internship Permit.

(c) Individuals who were issued an emergency permit pursuant to Education Code section 44300 that was reissued four times do not qualify for Provisional Internship permit.

(d) Use of the Provisional Internship Permit shall be restricted to the employing agency requesting the permit.

(e) The Provisional Internship permits shall authorize the following:

(1) A Multiple Subject Provisional Internship Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) A Single Subject Provisional Internship Permit authorizes the same service as a Single Subject Teaching Credential.

(3) An Education Specialist Provisional Internship Permit authorizes the same service as an Education Specialist Teaching Credential.

(f) Definitions:

(1) The term "Employing agencies" as used in this section shall mean:

(A) Public school districts in California.

(B) County offices of education or county superintendents of schools in California.

(C) Schools that operate under the direction of a California state agency.

(D) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.

(E) Charter Schools as established in Education Code Section 47605.

(2) The term "diligent search" as used in this section shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

NOTE: Authority cited: Section 44225(a), Education Code. Reference: Sections 44225(b), 44225(d) and 44225(*l*), Education Code.

HISTORY

1. New section filed 5–5–2005; operative 6–4–2005 (Register 2005, No. 18).

§ 80023. Types of Emergency Permits.

The following types of emergency permits are governed by the provisions of Sections 80023.1 through 80026.6, except 80025.

(a) Emergency Multiple Subject Teaching Permit.

(b) Emergency Multiple Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.

(c) Emergency Multiple Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis.

(d) Emergency Single Subject Teaching Permit with an authorization to teach one or more of the subjects identified in Education Code Section 44282.

(e) Emergency Single Subject Teaching Permit with a Bilingual, Crosscultural Language and Academic Development (BCLAD) Emphasis with an authority to teach one or more subjects identified in Education Code Section 44282.

(f) Emergency Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis with an authority to teach one or more subjects identified in Education Code Section 44282.

(g) Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing

(h) Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization.

(i) Emergency Library Media Teacher Services Permit.

(j) Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit.

(k) Emergency Crosscultural, Language and Academic Development (CLAD) Permit.

(*l*) Emergency Education Specialist Instruction Permit: Mild/Moderate Disabilities.

(m) Emergency Education Specialist Instruction Permit: Moderate/Severe Disabilities.

(n) Emergency Education Specialist Instruction Permit: Physical and Health Impairments.

(o) Emergency Education Specialist Instruction Permit: Deaf and Hard–of–Hearing.

(p) Emergency Education Specialist Instruction Permit: Visual Impairments.

(q) Emergency Education Specialist Instruction Permit: Early Childhood Special Education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44265 and 44300, Education Code.

HISTORY

1. Repealer and new section filed 4–20–94; operative 5–20–94 (Register 94, No. 16). For prior history, see Register 93, No. 25.
2. Amendment filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
3. New subsections (r)–(w) and amendment of NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).
4. Change without regulatory effect repealing subsections (g)–(*l*) and relettering subsections filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80023.1. General Provisions Governing Emergency Permits.

The provisions of this section shall apply to all emergency permits specified in Section 80023.

(a) Terms that are used in Sections 80023 through 80027, inclusive, are defined as follows:

(1) The terms "employing agency" and "local education agency" mean the school district, charter school, county office of education, nonpublic, nonsectarian school or agency, or school operating under the direction of a California state agency, which submits an emergency permit application to the Commission in order to employ the applicant.

(2) "Applicant" is the individual for whom an emergency permit application is submitted.

(3) "Regionally accredited college or university" means an institution of postsecondary education accredited by a regional accrediting body recognized by the Council on Postsecondary Accreditation and the United States Department of Education. In California the regional accrediting body is the Western Association of Schools and Colleges (WASC).

(4) "Related credential" refers to the credential that provides the same authorization as a particular emergency permit.

(b) The following entities may submit emergency permit applications. Each application shall be submitted to the Commission on behalf of the applicant.

(1) Public school districts in California.

(2) County offices of education or county superintendents of schools in California.

(3) Schools that operate under the direction of a California state agency.

(4) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.

(5) Charter Schools as defined in Education Code Section 47600.

(c) Emergency permits are valid for the length of time specified as follows:

(1) An emergency permit is valid for one year.

(2) The expiration date of an emergency permit which is dependent upon the possession of a valid basic credential will expire with that credential if it expires before the date explained above. The emergency permit may be extended, with an application and fee but without verification of reissuance requirements, to the end of the specified period when the basic credential is renewed.

(3) An individual who holds an emergency permit that was initially issued prior to January 1, 1998, and that is in effect on or after January 1, 1998, may receive one or more reissuances of that permit for a maximum of five additional one–year periods.

(4) An individual who is issued an initial emergency permit on or after January 1, 1998, may receive one or more reissuances of that permit for a maximum of four additional one–year periods.

(d) Teaching or service authorized by an emergency permit shall be restricted to schools operated by the employing agency that requested the permit.

(e) A grade of "C" or higher, "Pass", or "Credit" must be earned in each course required for the initial issuance and reissuance of an emergency permit. "Non–remedial" coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44251(c) and 44300, Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
2. Amendment of subsections (a)(1) and (b)(3) and new subsections (b)(4) and (c)(3) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
3. Change without regulatory effect amending section and NOTE filed 1–13–98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
4. Amendment of subsection (a)(1), new subsection (b)(5), amendment of subsection (c)(2) and new subsection (e) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80023.2. General Requirements for the Initial Issuance of Emergency Permits.

The following requirements apply to the initial issuance of all emergency permits specified in Section 80023.

(a) The applicant must possess a baccalaureate or higher degree from a regionally accredited college or university.

(b) The applicant must verify passage of the California Basic Educational Skills Test (CBEST), unless exempt by statutes or regulations.

(c) The applicant must satisfy the requirements for the permit being requested as specified in Sections 80024.1 through 80024.8.

(d) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(e) If the applicant does not already have fingerprint clearance on file with the Commission, the permit application must include two fingerprint cards and the completed Application for Character and Identification Clearance (form 41–CIC, rev 11–93), and fee(s). No permit will be issued until the clearance process is completed.

(f) Issuance of an emergency permit also requires the submission of a complete application packet, including a completed Application for Credential Authorizing Public School Service (form 41–4, rev 11–94), payment of the fee(s) required by Section 80487, and other documents required by the Commission to verify completion of all requirements for the emergency permit.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
2. Amendment of subsections (e) and (f) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).

§ 80024. Emergency Teaching and Services Credential for Other Than 30–Day Substitute Teaching Service.

NOTE: Authority cited: Sections 44232, 44254, 44263, and 44342, Education Code.

HISTORY

1. Repealer filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).

[The next page is 405.]

§ 80024.1. Emergency Multiple or Single Subject Teaching Permits.

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(3) The applicant must verify one of the following:

(A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or

(B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:

1. For the Emergency Single Subject Teaching Permit, at least 18 semester units, or nine upper division or graduate semester units, of course work in the subject to be taught; or

2. For the Emergency Multiple Subject Teaching Permit, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

(b) To reissue an Emergency Multiple or Single Subject Teaching Permit, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization:

(1) An Emergency Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) An Emergency Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(d), (g), and (q) and 44300, Education Code. Reference: Sections 44300 and 44301, Education Code.

HISTORY

1. New section filed 4–6–81; effective date thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7–29–83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 6–27–84; effective thirtieth day thereafter (Register 84, No. 26).
4. Amendment of section heading, text and NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
5. Amendment of subsections (a)(2) and (a)(3)(D)3. filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
6. Repealer of subsections (a)(3)(A) and (a)(3)(D)–(a)(3)(D)3., subsection relettering, amendment of newly designated subsection (a)(3)(B)2. and amendment of NOTE filed 4–27–98; operative 5–27–98 (Register 98, No. 18).
7. Amendment of subsections (a)(2) and (b) and new subsection (b)(1) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.2. Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must verify target–language proficiency by one of the following:

(A) Passage in the target language of the listening and speaking sections of Test 6 of the CLAD/BCLAD Examinations, or the oral language component of the Bilingual Certificate of Competence (BCC) examination, or

(B) Passage in the target language of an assessment covering oral language proficiency, both listening and speaking, administered by a California college or university as a part of its Commission accredited BCLAD emphasis program, or

(C) Passage in the target language for which the Commission has no BCLAD Test 6 of an assessment covering oral language proficiency, both listening and speaking, performed by an approved organization pursuant to Education Code Section 44253.5(a), or

(D) Possession of a three–year or higher degree from a foreign institution in which all instruction was delivered in the target language. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States, or

(E) Possession of a valid, non–emergency California Single Subject or Standard Secondary Teaching Credential with a major in the target language.

(3) The applicant must verify subject–matter competence by one of the following:

(A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or

(B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:

1. For the Emergency Single Subject Teaching Permit with a BCLAD Emphasis, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or

2. For the Emergency Multiple Subject Teaching Permit with a BCLAD Emphasis, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

(4) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Multiple or Single Subject Teaching Permit with a BCLAD Emphasis, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization.

(1) An Emergency Multiple Subject Teaching Permit with a BCLAD Emphasis authorizes the same service as a Multiple Subject Teaching Credential with a BCLAD Emphasis in the target language(s) listed on the permit.

(2) An Emergency Single Subject Teaching Permit with a BCLAD Emphasis authorizes the same service as a Single Subject Teaching Credential with a BCLAD Emphasis in the target language(s) and authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(d), (g), and (q) and 44300, Education Code. Reference: Sections 44300 and 44301, Education Code.

HISTORY

1. Renumbering and amendment of section 80029 to section 80024.2 filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7–29–83; effective thirtieth day thereafter (Register 83, No. 31).

3. Amendment of section heading, text and NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).

4. Amendment of section heading and section filed 8–8–95; operative 9–7–95 (Register 95, No. 32).

5. Amendment of subsection (a)(2)(D), new subsection (a)(2)(E), repealer of subsections (a)(3)(A) and (a)(3)(D)–(a)(3)(D)3., subsection relettering, amendment of newly designated subsection (a)(13)(B)2. and amendment of NOTE filed 4–27–98; operative 5–27–98 (Register 98, No. 18).

6. Amendment of subsections (a)(2)(B), (a)(4) and (b) and new subsection (b)(1) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.2.1. Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis.

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must verify one of the following:

(A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or

(B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:

1. For the Emergency Single Subject Teaching Permit with a CLAD Emphasis, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or

2. For the Emergency Multiple Subject Teaching Permit with a CLAD Emphasis, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Multiple or Single Subject Teaching Permit with a CLAD Emphasis, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization:

(1) An Emergency Multiple Subject Teaching Permit with a CLAD Emphasis authorizes the same service as a Multiple Subject Teaching Credential with a CLAD Emphasis.

(2) An Emergency Single Subject Teaching Permit with a CLAD Emphasis authorizes the same service as a Single Subject Teaching Credential with a CLAD Emphasis in the authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(d), (g), and (q) and 44300, Education Code. Reference: Sections 44300 and 44301, Education Code.

HISTORY

1. New section filed 8–8–95; operative 9–7–95 (Register 95, No. 32).

2. Repealer of subsections (a)(2)(A) and (a)(2)(D)–(a)(2)(D)3., subsection relettering, amendment of newly designated subsection (a)(2)(B)2. and amendment of NOTE filed 4–27–98; operative 5–27–98 (Register 98, No. 18).

3. Amendment of subsections (a)(3) and (b) and new subsection (b)(1) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.3. Emergency Specialist Instruction Permits for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped.

(a) To reissue an Emergency Specialist Instruction Permit for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) Emergency Specialist Instruction Permits shall not be reissued after June 30, 2001.

(c) Authorization: An Emergency Specialist Instruction Permit authorizes the same service as the Specialist Instruction Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. Renumbering and amendment of section 80030 to section 80024.3 filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).

2. Amendment filed 7–29–83; effective thirtieth day thereafter (Register 83, No. 31).

3. Amendment filed 1–14–91; operative 1–14–91 (Register 91, No. 7).

4. Amendment of section heading, text and NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).

5. Amendment of subsections (a)(2)(B)–(a)(3) filed filed 8–8–95; operative 9–7–95 (Register 95, No. 32).

6. Amendment of subsection (a)(4) and new subsection (b)(1) filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

7. Repealer of subsections (a)–(a)(4) and relettering and amendment of former subsection (b) to new subsection (a) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.3.1. Emergency Resource Specialist Permit.

(a) Requirements for the initial issuance of an Emergency Resource Specialist Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements as stated in Section 80023.2.

(2) Either (A) or (B) below:

(A) The applicant must possess a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or

(B) The applicant must possess or show eligibility for an out–of–state credential in special education requiring a baccalaureate degree, and have completed a program approved by the responsible state licensing agency at a regionally accredited institution.

(3) Either (A), (B), or (C) below:

(A) The applicant who holds a basic California teaching credential which does not authorize instruction for special education students must demonstrate intent to enroll in a Commission accredited program for the appropriate Special Education Specialist Instruction Credential within the valid period of the emergency permit.

(B) The applicant who holds a California teaching credential which authorizes instruction for special education students must demonstrate intent to either enroll in a Commission accredited program or complete the assessment for the Resource Specialist Certificate of Competence as outlined in Sections 80070.2 through 80070.8 within the valid period of the emergency permit.

(C) The applicant who holds or is eligible for an out–of–state credential in special education must demonstrate intent to enroll in either a Commission accredited program for the appropriate Special Education Specialist Instruction Credential or the basic teaching credential, as appropriate to his or her training, within the valid period of the emergency permit.

(b) To reissue an Emergency Resource Specialist Permit the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6, except in lieu of the six semester units of coursework or ninety clock hours of professional devel-

opment described in Section 80026.6(a)(5), the applicant who holds a California teaching credential which authorizes instruction for special education students may complete the assessment for the Resource Specialist Certificate of Competence provided for in Section 80070.6.

(c) Authorization: An Emergency Resource Specialist Permit authorizes the same service as the Resource Specialist Certificate of Competence.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
2. Amendment of subsections (a)(3)(A)–(b) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.3.2. Emergency Education Specialist Instruction Permits.

(a) Requirements for the initial issuance of an Emergency Education Specialist Instruction Permit in the areas of Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard–of–Hearing, Physical and Health Impairments, Visual Impairments, and Early Childhood Special Education include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) In addition, the applicant must meet (A), (B), (C) or (D) below:

(A) must posses a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or

(B) must posses or show eligibility for an out–of–state credential in special education requiring a baccalaureate degree, and have completed a program approved by the responsible state licensing agency at a regionally accredited institution, or

(C) must verify a minimum of three years of successful full–time classroom experience, or the equivalent in part–time experience, working with special education students in a public school or a state certified nonpublic, nonsectarian school or a state certified nonpublic, nonsectarian agency with students in the age range of the authorization being requested, or

(D) must verify a minimum of nine semester units of coursework in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Specialist Instruction Permit in the areas of Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard–of–Hearing, Physical and Health Impairments, Visual Impairments, and Early Childhood Special Education, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in 80026.6.

(1) The applicant who completed a professional preparation program as described in Section 80048.3(b)(2) must complete at least six semester units of coursework toward completion of the requirements described in Section 80048.3(b)(4) through (8) in lieu of the requirements described in 80026.6(a)(5)(A).

(2) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization: An Emergency Education Specialist Instruction Permit authorizes the same service as the Education Specialist Instruction Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44265 and 44300, Education Code.

HISTORY

1. New section filed 9–26–97; operative 10–26–97 (Register 97, No. 39).
2. Amendment of subsections (a)(2)(D)–(b) and new subsection (b)(2) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.4. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization.

(a) Requirements for the initial issuance of an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization include all of the following:

(1) The applicant and the employing agency must meet the general requirements as stated in Section 80023.2.

(2) The applicant must verify either of the following:

(A) Possession of a valid Clinical or Rehabilitative Services Credential in Language, Speech and Hearing; or

(B) Possession of a baccalaureate degree from a regionally accredited college or university and successful completion of an organized program of at least two full years or 60 semester units, including a minimum of 75 hours of supervised clinical practice with school–age children, in a regionally accredited college or university, in the area of language, speech and hearing.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(4) The Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization shall not be issued initially after July 1, 2000.

(b) To reissue an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(c) Authorization. An Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization, authorizes the same service as a Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, including the Special Class Authorization.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44268 and 44300, Education Code.

HISTORY

1. New section filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7–29–83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 1–14–91; operative 1–14–91 (Register 91, No. 7).
4. Amendment of section heading, text and NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
5. Amendment of subsection (a)(3) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
6. Amendment of section heading and subsections (a)(3) and (b) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.5. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing.

(a) Requirements for the initial issuance of an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing include all of the following:

(1) The applicant and the employing agency must meet the general requirements as stated in Section 80023.2.

(2) The applicant must verify possession of a baccalaureate degree from a regionally accredited college or university and successful completion of an organized program of at least two full years or 60 semester units, including a minimum of 75 hours of supervised clinical practice with school–age children, in a regionally accredited college or university, in the area of language, speech and hearing.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(4) The Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing shall not be issued initially after July 1, 2000.

(b) To reissue an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(c) Authorization. An Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing authorizes the same service as a Clinical or Rehabilitative Services Credential in Language, Speech and Hearing.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44268 and 44300, Education Code.

HISTORY

1. Repealer and new section filed 4–20–94; operative 5–20–94 (Register 94, No. 16). For prior history, see Register 83, No. 31.
2. Amendment of subsection (a)(3) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
3. Amendment of subsections (a)(3) and (b) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.6. Emergency Library Media Teacher Services Permit.

(a) Requirements for the initial issuance of the Emergency Library Media Teacher Services Permit are as follows:

(1) Persons holding a valid California Teaching Credential must verify all of the following:

(A) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(B) The applicant must possess a valid California Teaching Credential based on a baccalaureate degree and a professional preparation program, including student teaching.

(C) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(2) Persons holding or eligible for a valid service credential from a state other than California must verify all of the following:

(A) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(B) The applicant must verify possession of or eligibility for an out–of–state credential or certificate authorizing service as a school librarian.

(C) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Library Media Teacher Services Permit, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(c) Authorization. An Emergency Library Media Teacher Services Permit authorizes the same service as a Library Media Teacher Services Credential.

NOTE: Authority cited: Section 44225 subsections (b) and (q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 6–14–90; operative 7–14–90 (Register 90, No. 33).
2. Amendment of section heading, text and NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
3. Amendment of subsections (a)(1)(C) and (a)(2)(C) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
4. Amendment of subsections (a)(1)(C) and (a)(2)(C)–(b) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.7. Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit.

(a) Requirements for the initial issuance of an Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must possess a valid credential or permit as specified in Education Code Section 44253.4(b)(1).

(3) The applicant must verify target–language proficiency by one of the following:

(A) Passage in the target language of the listening and speaking sections of Test 6 of the CLAD/BCLAD Examinations, or the oral language component of the Bilingual Certificate of Competence (BCC) examination, or

(B) Passage in the target language of an assessment covering oral language proficiency, both listening and speaking, administered by a California college or university as a part of its Commission accredited BCLAD emphasis program, or

(C) Passage in the target language for which the Commission has no BCLAD Test 6 of an assessment covering oral language proficiency, both listening and speaking, performed by an approved organization pursuant to Education Code Section 44253.5(a), or

(D) Possession of a valid, non–emergency California Single Subject or Standard Secondary Teaching Credential with a major in the target language, or

(E) Possession of a three–year or higher degree from a foreign institution in which all instruction was delivered in the target language. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States.

(b) To reissue an Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6 except in lieu of the six semester units of coursework or ninety clock hours of professional development described in Section 80026.6(a)(5), the applicant must complete both of the following:

(1) Pass either Test 4, Test 5, or all four parts of Test 6 of the CLAD/BCLAD Examinations if these tests, or their equivalent as detailed in Section 80015.1, were not passed prior to issuance of the emergency permit being reissued. If all of these tests were passed prior to the issuance of the emergency permit being reissued, three semester units of coursework required for the CLAD Certificate may be substituted. Passage of the four parts of Text 6 is not required of anyone who qualifies for the emergency permit by completion of subsections (D) or (E) in section 80024.7(a)(3) above.

(2) Pass either Test 1, Test 2, or Test 3 of the CLAD/BCLAD Examinations if these tests, or their equivalent as detailed in Section 80015.1, were not passed prior to issuance of the emergency permit being reissued. If all of these tests were passed, or if the applicant opts to complete coursework in lieu of taking these tests, three semester units of coursework required for the CLAD Certificate may be substituted.

(c) Authorization. The Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit authorizes the same service as the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
2. Amendment of subsections (a)(3)(B) and (b)–(b)(2) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80024.8. Emergency Crosscultural, Language and Academic Development (CLAD) Permit.

(a) Requirements for the initial issuance of an Emergency Crosscultural, Language and Academic Development (CLAD) Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must possess a valid credential or permit as specified in Education Code Section 44253.3(b)(1).

(b) To reissue an Emergency Crosscultural, Language and Academic Development (CLAD) Permit the applicant and the employing agency

must meet the requirements for reissuance of emergency permits specified in Section 80026.6 except in lieu of the six semester units of coursework or ninety clock hours of professional development described in Section 80026.6(a)(5), the applicant must complete any two of the following: Test 1, Test 2, or Test 3 of the CLAD/BCLAD Examination, if these tests, or their equivalent as detailed in Section 80015.1, were not passed prior to issuance of the emergency permit being reissued. If the tests were passed, or if the applicant opts to complete coursework in lieu of taking the tests, three semester units of coursework required for the CLAD Certificate may be substituted for each test not taken.

(c) Authorization. The Emergency Crosscultural, Language and Academic Development (CLAD) Permit authorizes the same service as the Crosscultural, Language and Academic Development (CLAD) Certificate.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
2. Amendment of subsection (b) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80025. Emergency 30–Day Substitute Teaching Permit.

(a) Requirements for the issuance and reissuance of an Emergency 30–Day Substitute Teaching Permit include all of the following:

(1) Possession of a baccalaureate or higher degree from a regionally accredited college or university;

(2) Passage of the California Basic Educational Skills Test (CBEST);

(3) Submission to the Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41–4, rev 4–94); the fee(s) as specified in Section 80487; and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the completed Application for Character and Identification Clearance (form 41–CIC, rev 11–93).

(b) Authorization: The Emergency 30–Day Substitute Teaching Permit authorizes the holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1–12, inclusive; or in classes organized primarily for adults within each county in which the permit is registered provided the employing agency has a completed Statement of Need on file for the school year. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(c) The Statement of Need for 30–day Substitute Teachers must:

(1) describe the situation or circumstances that necessitate the use of an emergency permit holder, and

(2) state that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established by the employing agency, and

(3) be prepared and signed by, as applicable, the superintendent of the employing school district, the superintendent of the employing county if the service will be rendered in county operated schools, or the head of the state agency under which the employing school operates.

(d) An Emergency 30–Day Substitute Teaching Permit is valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(e), 44252(a), 44252(b), 44300, 44332.5(b), 44339, 44340 and 44341, Education Code.

HISTORY

1. Amendment filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7–29–83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 6–15–93; operative 7–15–93 (Register 93, No. 25).
4. Amendment of section heading and text filed 4–20–94; operative 5–20–94 (Register 94, No. 16).

§ 80025.1. Emergency Career Substitute Teaching Permit.

(a) Requirements for the initial issuance of an Emergency Career Substitute Teaching Permit include all the following:

(1) Possession of a baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) Passage of the California Basic Educational Skills Test (CBEST) unless exempted by statutes or regulations;

(3) Verification, by employer(s), of either:

(A) Three consecutive years of at least ninety days per year of day–to–day substitute teaching in the California school district requesting the permit in the three years immediately preceding the date of application, or

(B) If the county office of education is responsible for the assignment of day–to–day substitutes for all their school districts, three consecutive years of at least ninety days per year of day–to–day substitute teaching accumulated from one or more California school districts in the county requesting the permit in the three years immediately preceding the date of application;

(4) Statement of endorsement signed by the superintendent of the employing school district or county office of education stating that the individual has served successfully in the district(s) and the district(s) would allow the individual to substitute teach for up to 60 days for one teacher during the school year;

(5) Verification that the employing agency will make available to the permit holder the staff development activities that are offered to their regular teaching staff; and

(6) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41–4, rev 6–97); the fee(s) as specified in Section 80487; and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the completed Application for Character and Identification Clearance (form 41–CIC, rev 11–96).

(b) Requirements for the reissuance of an Emergency Career Substitute Teaching Permit include all the following:

(1) Statement of continued endorsement from the superintendent of the employing school district or county office of education;

(2) Verification that staff development activities that were offered to their regular teaching staff were made available to the permit holder; and

(3) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41–4, rev 6–97); and the fee(s) as specified in Section 80487.

(c) Authorization: The Emergency Career Substitute Teaching Permit authorizes the holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1–12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 60 days for any one teacher during the school year. The permit shall be restricted to the schools operated by the employing agency that requested the permit.

(d) An Emergency Career Substitute Teaching Permit is valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d) and (e), 44252(b), 44339, 44340 and 44341.

HISTORY

1. New section filed 8–6–98; operative 9–5–98 (Register 98, No. 32). For prior history, see Register 82, No. 45.

§ 80025.2. Emergency Substitute Teaching Permit for Prospective Teachers.

(a) Requirements for the initial issuance of an Emergency Substitute Teaching Permit for Prospective Teachers include all the following:

(1) Completion of a minimum of ninety semester units of course work from a regionally accredited institution of higher education;

(2) Verification of current enrollment in a regionally accredited four–year California institution of higher education;

(3) Passage of the California Basic Educational Skills Test (CBEST) unless exempted by statutes or regulations; and

(4) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41–4, rev 6–97); the fee(s) as specified in Section 80487; and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the completed Application for Character and Identification Clearance (form 41–CIC, rev 11–96).

(b) Requirements for the one–time reissuance of an Emergency Substitute Teaching Permit for Prospective Teachers include all the following:

(1) Fifteen semester units of course work from a regionally accredited four–year California institution of higher education completed since the previous permit was issued;

(2) Verification of continued enrollment in a regionally accredited four–year California institution of higher education; and

(3) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41–4, rev 6–97); and the fee(s) as specified in Section 80487.

(c) Authorization: The Emergency Substitute Teaching Permit for Prospective Teachers authorizes the holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1–12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher and not more than 90 days total during the school year.

(d) An Emergency Substitute Teaching Permit for Prospective Teachers is valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d) and (e), 44252(b), 44339, 44340 and 44341.

HISTORY

1. New section filed 8–6–98; operative 9–5–98 (Register 98, No. 32).

§ 80025.3. Day to Day Substitute Teaching.

(a) The holder of a valid California teaching or services credential for which the requirements are equal to or greater than those listed in Title 5 Section 80025(a)(1) and (2) for an Emergency 30–Day Substitute Teaching Permit is authorized to serve as a substitute in any classroom; preschool, kindergarten and grades 1–12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year. Holders of teaching or services credentials issued prior to February 1, 1983 will not be held to the requirement in Education Code §44252(b) if the requirements for the credential included a bachelor's degree and a professional preparation program.

(b) The holder of a permit or credential issued according to the provisions of Title 5 Section 80023.2, 80025.1 or 80071.4(c) may, in addition to the authorization of the permit, serve as a substitute in any classroom; preschool, kindergarten and grades 1–12, inclusive; or in classes organized primarily for adults during the valid period of the permit in any district within the county listed on the document. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(c) The provisions of this section do not apply to teachers who hold documents issued under the provisions of Education Code Sections 44305, 44321 or 44325.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(e), Education Code.

HISTORY

1. New section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51).

§ 80025.4. Substituting in a Special Education Classroom.

(a) The holder of a document authorizing day–to–day substitute teaching according to the provisions of Title 5 Sections 80025 and 80025.3 is authorized to serve as a substitute in a special education classroom; preschool, kindergarten and grades 1–12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a special education substitute for more than 20 days for any one teacher during the school year.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(e), Education Code.

HISTORY

1. New section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51).

§ 80025.5. Emergency Designated Subjects Vocational Education Permit for 30–Day Substitute Teaching Service.

(a) Requirements for issuance and reissuance of the Designated Subjects Vocational Education Permit for 30–Day Substitute Teaching Service include all of the following:

(1) High School Diploma or equivalent as defined in Section 80034(h);

(2) Verification, by employers, of five years of work experience directly related to a subject listed in Section 80035.5. Forty–eight semester units or the quarter unit equivalent of postsecondary vocational training, related to that vocational education subject and verified by official transcript, may be substituted for a maximum of two of the five years of work experience. This substitution may be made on a pro rata basis up to the two year maximum. Teaching shall not be considered as acceptable work experience.

(3) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); verification of completion of requirements specified in Subsections (a)(1), and (a)(2), above; unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93); and payment of a fee as specified in Section 80487. Requirements for the third and subsequent reissuances shall also include verification of completion of 30 clock hours of professional growth requirements as specified in Section 80569.

(b) Authorization. The Emergency Designated Subjects Vocational Education Permit for 30–Day Substitute Teaching Service authorizes the holder to serve as a substitute in any classroom in any county in which the permit is registered provided the employing agency has a completed Statement of Need. Such substitute teaching shall be part of a program of technical, trade or vocational education. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(c) The Statement of Need for 30–day Substitute Teachers must:

(1) describe the situation or circumstances that necessitate the use of an emergency permit holder, and

(2) state that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established by the employing agency, and

(3) be prepared and signed by, as applicable, the superintendent of the employing school district, the superintendent of the employing county if the service will be rendered in county operated schools, or the head of the state agency under which the employing school operates.

(d) An Emergency Designated Subjects Vocational Education Permit for 30–Day Substitute Teaching is valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44300(g), Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80026. Declaration of Need for Fully Qualified Educators.

Submission of a Declaration of Need for Fully Qualified Educators by the employing agency shall be a prerequisite to the issuance of any emergency permit and/or limited assignment permit for that agency. Charter schools as defined in Education Code Section 47600 shall be exempt from submitting a Declaration of Need for Fully Qualified Educators. The Declaration of Need for Fully Qualified Educators by an employing agency shall be valid for no more than twelve months, and shall expire on the June 30 following its submission to the Commission, unless the

employing agency has an approved Plan to Develop Fully Qualified Educators which specifies a period of validity longer than twelve months. The Declaration of Need for Fully Qualified Educators shall be submitted to the Commission on a form to be provided by the Commission, and shall include all of the following information:

(a) Estimated Need: This shall include the title(s) and number of each type of emergency permit and limited assignment permit which the employing agency estimates, based on previous year actual needs and projections of enrollment, it will need during the year covered by the Declaration. In addition, it shall include each subject to be listed on Emergency Single Subject and Limited Assignment Single Subject Teaching Permits and the target language on Emergency Multiple Subject or Single Subject Teaching Permits with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis or on Emergency BCLAD Permits. The Declaration of Need for Fully Qualified Educators shall be revised, when the number of emergency permits and limited assignment permits needed exceeds the estimate by ten percent, by the governing board or superintendent/administrator of the employing agency, as specified in subsection (e) below.

(b) Efforts to Recruit Certified Personnel. This shall include a brief description of efforts that the employing agency has undertaken to locate and recruit individuals who hold the needed credentials, such as dated copies of written announcements of its vacancy or vacancies which were mailed to college or university placement centers.

(c) Efforts to Establish Alternative Training Options. The Declaration shall:

(1) identify the names of institutions of higher education co-sponsoring internships or other certification programs with the employing agency or, if no such programs exist, briefly explain why;

(2) if the employing agency participates in pre-internship or internship programs, estimate the number which the employing agency reasonably expects to employ during the year covered by the Declaration; and

(3) indicate whether the employing agency has considered developing a "Plan to Develop Fully Qualified Educators" in cooperation with other education agencies in the region pursuant to Section 80026.4, or if not, briefly explain why.

(d) Stipulation of Insufficiency of Suitable Applicants. The employing agency shall certify that there is an insufficient number of certificated persons who meet the employing agency's specified employment criteria to fill necessary positions.

(e) Adoption of the Declaration. The Declaration of Need for Fully Qualified Educators shall be adopted by the governing board of a school district, or by the superintendent of a county office of education or by the administrator of a state school or nonpublic, nonsectarian school or agency.

(1) A Declaration of Need for Fully Qualified Educators by a school district shall be adopted by the governing board in a regularly-scheduled, public meeting of the board. The entire Declaration of Need for Fully Qualified Educators shall be included in the board agenda, and shall not be adopted by the board as part of a consent calendar.

(2) A superintendent of a county office or the administrator of a state school or nonpublic, nonsectarian school or agency shall publicly announce his or her intent to adopt a Declaration of Need for Fully Qualified Educators at least 72 hours prior to adopting the Statement. The adopted Statement shall be signed by the superintendent or administrator.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. Repealer and new section filed 4-20-94; operative 5-20-94 (Register 94, No. 16). For prior history, see Register 81, No. 15.
2. Amendment of subsections (a), (c), (e) and (e)(2) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment of first paragraph and subsection (c)(1), new subsection (c)(2) and subsection renumbering filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).
4. Amendment of first paragraph and subsection (a) filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-15-2001 order transmitted to OAL 10-9-2001 and filed 11-19-2001 (Register 2001, No. 47).

§ 80026.1. Information to Applicants.

The local education agency shall inform each applicant for an emergency permit specified in Section 80023 of all of the following:

(a) that the employing agency will provide the orientation, guidance and assistance required by Section 80026.5.

(b) the name, or if providing the name is not feasible, the position, of the individual responsible for providing the guidance and assistance required by Section 80026.5:

(c) that, in order to reissue an emergency permit, the applicant must complete a minimum of six semester units, or nine quarter units, of approved course work for the related credential or, for the first reissuance, be participating in a professional development program, and complete the equivalent as described in the employing agency's "Plan to Develop Fully Qualified Educators", unless exceptions for reissuance are listed under the specific requirement for the type of emergency permit for which application is being made.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of subsection (c) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment of subsection (c) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

§ 80026.4. Plan to Develop Fully Qualified Educators.

(a) Any employing agency may submit a Plan to Develop Fully Qualified Educators to the Commission for approval. Such a Plan shall be developed by the employing agency, in collaboration with a county office of education, regionally accredited college or university, Special Education Local Planning Area, or other public education entity in the region of the employing agency, as appropriate. The Plan shall describe efforts by the employing agency to:

(1) recommend to the Commission the certification of personnel who, by virtue of education, training or experience, have been judged by certificated educators from the employing agency as competent to serve in an assignment, but are not yet certified to do so;

(2) support and assist persons who have training and experience in teaching, but neither training nor experience in the area to which they will be assigned; and

(3) provide development activities for persons who have neither training nor experience in teaching, for example, through university or district internships, technologically based learning, or intensive professional development programs.

(b) Any Plan To Develop Fully Qualified Educators may propose alternatives to enrollment in a Commission accredited preparation program for the first year of development of persons granted an emergency permit for the first time. Such alternatives shall be designed to provide ninety clock hours of professional development and to be equivalent to at least 6 units of course work offered to first-year emergency permit holders by a college or university with an preparation program accredited by the Commission. Any such proposed alternatives shall include information on how the performance of the applicants for the reissuance of an emergency permit shall be evaluated.

(c) Any Plan To Develop Fully Qualified Educators may propose ways for the employing agency to streamline or decentralize existing procedures for the issuance or reissuance of any or all of the emergency permits listed in Section 80023 to allow the employing agency to devote more personnel or fiscal resources to supporting, assisting and developing fully qualified educators, and fewer resources to paperwork or other tasks associated with applying for emergency permits.

(d) Plans to Develop Fully Qualified Educators may be initially approved by the Commission until January 1, 2003 and all approved Plans to Develop Fully Qualified Educators shall no longer be offered after January 1, 2004.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
2. Amendment of subsections (b)–(c) filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).
3. New subsection (d) filed 5–21–2002; operative 6–20–2002 (Register 2002, No. 21).

§ 80026.5. Orientation, Guidance and Assistance.

(a) Orientation, Guidance and Assistance to Holders of the Emergency Teaching Permit. The employing agency shall provide an orientation to teaching for the holders of the emergency teaching permits specified in Section 80023. Each recipient of an emergency teaching permit that is issued after January 31, 1994 shall attend an orientation when he or she obtains an emergency teaching permit for the first time. The employing agency may vary the nature, content and duration of the orientation to match the amount of training and experience previously completed by emergency permit teachers.

(1) The orientation to teaching shall include, but not be limited to, an overview of all of the following topics:

(A) the curriculum that the emergency permit teacher is expected to teach;

(B) effective techniques of classroom instruction at the emergency permit teacher's assigned level: preschool, elementary, middle, secondary, or adult education; and

(C) effective techniques of classroom management at the emergency permit teacher's assigned level: elementary or secondary.

(2) To the extent reasonably feasible, the orientation to teaching shall occur before the emergency permit teacher begins his or her teaching assignment.

(b) Commencing July 1, 1994, the employing agency shall assign an experienced educator to guide and assist each holder of an emergency teaching permit specified in Section 80023. The experienced educator shall:

(1) be a certificated employee of the employing agency, or a certificated retiree of a California school district or county office of education; and

(2) have completed at least three years of full–time classroom teaching experience.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).

§ 80026.6. Requirements for the Reissuance of Emergency Permits.

(a) The reissuance requirements for an emergency permit identified in Section 80023 shall include all of the following:

(1) A completed Application for Credential Authorizing Public School Service (form 41–4, rev 4–94),

(2) Payment of the fee(s) required by Section 80487.

(3) Prior submission of a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(4) Verification that orientation, guidance and assistance have been provided as required in Section 80026.5.

(5) For the first reissuance only, an evaluation by a Commission–accredited professional preparation institution identifying requirements the emergency permit holder must complete to be eligible for the related credential.

(6) The following, unless exceptions for reissuance are listed under the specific requirements for the type of emergency permit for which application is being made:

(A) Completion of at least six semester units (or the equivalent quarter units) of approved coursework in a Commission–accredited professional preparation program required for issuance of the related credential; or

(B) for the first reissuance only, completion of a minimum of ninety hours of professional development activities that are directly related to the subject or class authorized by the emergency permit if the applicant is employed by a employing agency with a Plan to Develop Fully Qualified Educators which has been accredited by the Commission. This option will no longer be available after January 1, 2004.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
2. Amendment of subsection (a)(5) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
3. Amendment of section heading and section filed 11–12–99; operative 11–12–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).
4. Amendment of subsection (a)(6)(B) filed 5–21–2002; operative 6–20–2002 (Register 2002, No. 21).

§ 80027. Limited Assignment Multiple or Single Subject Teaching Permit.

(a) Requirements for the initial issuance of a Limited Assignment Multiple or Single Subject Teaching Permit include all of the following:

(1) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(2) Applicant is currently employed by the local governing board requesting such assignment.

(3) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent.

(4) Applicants who have not obtained permanent status as defined in Education Code 44929.21 or 44929.22 or 44929.23 shall be assigned an experienced educator by the employing agency in the subject area of the Limited Assignment Multiple or Single Subject Teaching Permit who has completed 3 years of full–time classroom teaching experience in that subject area.

(5) The Limited Assignment Single Subject Teaching Permit may be issued in the subject areas listed in Education Code Section 44257.

(6) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching Permit.

(7) The applicant submits a completed Application for Credential Authorizing Public School Service (form 41–4, rev. 8/00), and the fee(s) as specified in Section 80487.

(b) Requirements for the renewal of a Limited Assignment Multiple or Single Subject Teaching Permit.

(1) Applicant is currently employed by the local governing board requesting such assignment.

(2) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent.

(3) An application for the renewal of a Limited Assignment Multiple or Single Subject Teaching Permit shall be submitted to the Commission by the employing agency, and shall include all of the following.

(A) A completed Application for Credential Authorizing Public School Service (form 41–4, rev. 8/00).

(B) Payment of the fee(s) required by Section 80487.

(C) Verification of the completion of at least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential.

(4) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(5) Validation of Professional Development Statement. The holder of a Limited Assignment Multiple or Single Subject Teaching Permit who has previously taught three or more years on a credential other than an

emergency credential or permit may submit the following in lieu of the required 6 semester units:

(A) Verification that he or she has completed ninety hours of professional development activities that are directly related to the subject or class authorized by the Limited Assignment Multiple or Single Subject Teaching Permit; and

(B) Submission of a Validation of Professional Development Statement, signed by the employing agency and the permit holder, that includes a brief description of the content of the teacher's professional development program, a brief description of the means by which the employing agency validated the quality and appropriateness of the teacher's professional development program, and a brief description of the manner in which the results of the teacher's professional development program were evaluated.

(6) An individual may renew a Limited Assignment Multiple or Single Subject Teaching Permit in any one specific subject only twice during his or her lifetime.

(7) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching Permit.

(c) Authorization:

(1) A Limited Assignment Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) A Limited Assignment Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

(d) The Limited Assignment Multiple or Single Subject Teaching—Permit shall be valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

NOTE: Authority cited: Sections 44225(d), (g) and (q) and 44300, Education Code. Reference: Section 44300, Education Code.

HISTORY

1. Amendment filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7–29–83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment of section heading, text and NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
4. Amendment of subsections (a)(1), (a)(3), (a)(4) and (b)(3)(A), new subsections (b)(3)(D) and (b)(5), and amendment of subsection (d) and NOTE filed 7–6–98; operative 7–6–98 pursuant to Government Code section 11343.4(d) (Register 98, No. 28).
5. Amendment of section heading and section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 6–15–2001 order transmitted to OAL 10–9–2001 and filed 11–19–2001 (Register 2001, No. 47).

§ 80028. Certificate of Clearance.

A Certificate of Clearance is a document, issued by the Commission, which verifies that the holder meets personal qualifications necessary to obtain a regular California teaching or services credential. Each candidate for an initial credential shall, prior to admission to student teaching under any professional preparation program approved by the Commission, obtain a Certificate of Clearance. No less than 60 working days prior to admission to student teaching, the candidate shall submit the following materials to the Commission:

(a) A completed application via the online application system.

(b) One–half of the credential issuance/reissuance or renewal fee specified in Section 80487(a)(1) unless otherwise established by law. The fee shall apply toward the initial credential.

(c) Verification of completion of livescan.

The Certificate of Clearance shall be issued for a period of five years when the Commission has verified that the candidate meets personal qualifications necessary to obtain a regular California teaching or services credential.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44320(b), Education Code.

HISTORY

1. Repealer and new section filed 4–16–81; effective thirtieth day thereafter (Register 81, No. 16).
2. Amendment of subsection (a)(1) filed 4–8–88; operative 5–8–88 (Register 88, No. 17).
3. Amendment filed 2–28–2007; operative 3–30–2007 (Register 2007, No. 9).

§ 80029. Emergency Bilingual/Crosscultural Teaching Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44254, Education Code.

HISTORY

1. Renumbering and amendment of Section 80029 to Section 80024.2 filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).

§ 80030. Emergency Specialist Credentials in Learning Handicapped, Severely Handicapped, and Physically Handicapped.

NOTE: Authority cited: Sections 44225 and 44252, Education Code; Reference: Sections 44254, 44265 and 44274, Education Code.

HISTORY

1. Renumbering and amendment of Section 80030 to Section 80024.3 filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).

§ 80031. Emergency Services Credential in Health (School Nurse).

NOTE: Authority cited: Sections 44225 and 44252, Education Code; Reference: Section 44254, 44265 and 44274, Education Code.

HISTORY

1. Renumbering and amendment of Section 80031 to 80024.5 filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15)

§ 80032. Terms of Issuance and Renewal of Teaching and Services Credentials.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44260, Education Code.

HISTORY

1. Renumbering from Section 80032 to Section 80493 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80032.1. Health Education Unit Requirement.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44261, Education Code.

HISTORY

1. Renumbering from Section 80032.1 to Section 80421 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80032.2. Special Education Training for Teachers and Administrators.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44225 and 44259, Education Code.

HISTORY

1. New section filed 11–6–78; effective thirtieth day thereafter (Register 78, No. 45).
2. Repealer filed 6–1–2004; operative 7–1–2004 (Register 2004, No. 23).

§ 80033. Life Credentials.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44255, Education Code.

HISTORY

1. Repealer and new section filed 9–27–79; effective thirtieth day thereafter (Register 79, No. 39.)

[The next page is 411.]

2. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

3. Repealer filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

§ 80033.2. Special Temporary Certificates.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225(b), 44225(d), 44225(e), 44225(g), 44225(*l*) and 44252, Education Code; and *Californians for Justice Education Fund v. California Commission on Teacher Credentialing*, San Francisco Superior Court Case No. CPF-05-505517.

HISTORY

1. New section filed 12-12-2005 as an emergency; operative 12-12-2005 (Register 2005, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-11-2006 or emergency language will be repealed by operation of law on the following day.

2. Repealed by operation of Government Code section 11346.1(g) (Register 2006, No. 45).

§ 80034. Designated Subjects Credentials and Programs: Definition and Terms.

(a) The term "Academic Subjects," as it applies to designated subjects adult education credentials, means those studies that are liberal, classical and/or related to high school graduation requirements, rather than technical or vocational, including, but not limited to the subjects contained within the following categories:

(1) Elementary and Secondary Basic Skills;

(2) English;

(3) English as a Second Language;

(4) Fine Arts;

(5) A Language Other than English (specify);

(6) Mathematics;

(7) Science; and

(8) Social Sciences.

(b) The term "non-academic subjects," as it applies to designated subjects adult education credentials, means those subjects that are technical or vocational, rather than liberal or classical, including, but not limited to the subjects contained within the following categories:

(1) Adults with Disabilities;

(2) Health and Safety;

(3) Home Economics;

(4) Older Adults;

(5) Parent Education; and

(6) Vocational Education.

(c) "Local Education Agency" (LEA) as it applies to designated subjects credentials, means any of the following categories of agencies which are authorized to develop, submit and implement a Commission-approved program of personalized preparation, as listed in Sections 80040.2, 80040.2.5 and 80042:

(1) A California public school district or consortium of school districts;

(2) A California county superintendent of schools office;

(3) A California regional occupation program or center;

(4) A California State Agency;

(5) A Commission-approved teacher preparation institution.

(d) "Employing School District" (ESD) means a California school district, county superintendent of schools office, or other public education agency, or private school of equivalent status that employs holders of designated subjects credentials to teach vocational, adult or special subjects classes.

(e) "Two years of successful teaching" means:

(1) for any designated subjects teaching credential, teaching a minimum of one course in each of four terms within the five-year period of validity of the preliminary designated subjects credential. Two of these terms must be with one ESD; or

(2) for the designated subjects vocational education teaching credential, a minimum of 360 clock hours of supervised occupational student teaching.

(f) "Program of Personalized Preparation" means a program submitted by a LEA approved by the Commission on Teacher Credentialing for the purpose of developing pedagogical or andragogical skills and understandings specific to the needs of designated subjects credential holders.

(g) "Equivalent to the high school diploma" means:

(1) a diploma based on passage of the General Education Development Test; or

(2) the foreign equivalent to the high school diploma which is a diploma, certificate, or the title awarded to mark the completion of a program normally requiring twelve years of schooling, or required for admission to an institution of higher education. Examples of such foreign equivalents are listed in the "Placement Recommendation" of the American Association of College Registrars and Admission Officers' "World Education Series," and the U.N.E.S.C.O. "World Survey of Education, IV, Higher Education".

(h) "Work experience," as it applies to designated subjects vocational education teaching credentials, means full-time or part-time experience directly related to the subject to be named on the credential. Work experience may be paid or not paid. No more than one year of work experience shall apply toward meeting designated subjects credential requirements during any twelve calendar month period. 1500 clock hours shall be the minimum required for each year of work experience. Part-time work experience may be cumulated to equate to the required 1500 clock hours of work experience.

(i) "Vocational teaching experience" means experience as a teacher or instructor of the specific subject to be named on the credential in any course that is intended to result in the entry-level employment of the students enrolled in that course. One class hour of vocational teaching experience is equal to one clock hour of work experience.

(j) "College level related coursework" means postsecondary coursework that is offered by an accredited college or university that directly relates to the subject to be named on the credential. One semester unit of college or university coursework, for the purpose of computing work experience for the designated subjects vocational education credential only, equates to sixty-two and one-half (62 1/2) clock hours.

(k) "Non-college related coursework" means coursework, workshops, or seminars offered by an agency other than an accredited college or university that provides upgrading or development of skills directly related to the subject to be named on the credential. One class hour of non-college related coursework is equal to one clock hour of work experience.

(*l*) "Occupational internship" means a planned occupational experience offered by an educational agency in cooperation with an employer designed to provide the intern with depth, breadth and expertise in the subject to be named on the credential. One class hour of occupational internship experience is equal to one clock hour of work experience.

(m) "Supervised occupational student teaching" means a planned course of instruction that is approved by the Commission and offered by an LEA for the purpose of providing the student teacher with depth, breadth and expertise in pedagogical skills through actual classroom teaching experience in an occupational program or programs in the public schools. Such occupational student teaching shall be offered by the LEA if there is an appropriate course or program available where the supervised occupational student teaching may occur. Supervised occupational student teaching shall be offered in cooperation with an ESD and shall be supervised by both the LEA and the ESD.

(n) "Verification of experience" or "verification of work experience" means confirmation of the applicant's qualifying experience, in writing, signed by the applicant's past or present employer(s) on company letterhead that attests to and or includes all of the following:

(1) employer's name, address and telephone number;

(2) the working relationship of the person signing the verification to the applicant;

(3) beginning and ending dates of employment;

(4) complete description of duties;

(5) a statement as to whether or not the employment was full-time; if employment was less than full-time, an accounting of the number of hours the applicant was employed;

(6) If the applicant was self-employed or if the applicant's experience was avocational, verification shall include a statement, signed by the applicant under penalty of perjury, detailing the information described in (n)(1) through (n)(5), above, and must be further substantiated, in writing, by other person(s) having first-hand knowledge of the applicant's self-employment or avocation, such as the applicant's accountant, major supplier of goods, or major user of goods or services.

(o) "Experience," as it applies to designated subjects adult education teaching credentials, means full-time or part-time experience directly related to the subject to be named on the credential. Experience may be paid or not paid. No more than one year of experience shall apply toward meeting designated subjects credential requirements during any twelve calendar month period. 1500 clock hours shall be the minimum required for each year of experience. Part-time experience may be cumulated to equate to the required 1500 clock hours of experience.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260, 44260.1, 44260.2, 44260.3, 44260.4 and 44260.5, Education Code.

HISTORY

1. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of subsections (d) and (h)(2) and new subsections (i)-(m) filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

§ 80034.5. Holder of Designated Subjects Full-Time Vocational Education Teaching Credential or Designated Subjects Full-Time Adult Education Teaching Credential Serving as a Substitute.

(a) The holder of a valid designated subjects full-time vocational education teaching credential may, with his or her consent, serve as a substitute in grades 12 and below, and in classes organized primarily for adults, in technical, trade or vocational courses, including, but not limited to, agricultural occupations, technical occupations, or trade occupations which shall be part of a vocational education program. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(b) The holder of a valid designated subjects full-time adult education teaching credential may, with his or her consent, serve as a substitute in courses organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256(d) and 44349, Education Code.

HISTORY

1. New section filed 3-10-89; operative 4-9-89 (Register 89, No. 11).

§ 80035. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Full-Time Vocational Education Teaching Credentials.

(a) The minimum requirements for the issuance of an initial preliminary full-time vocational education teaching credential shall include all of the following:

(1) Verification, by employers, of five years of work experience directly related to each subject to be named on the credential and listed in Section 80035.5. Forty-eight semester units or the quarter unit equivalent of postsecondary vocational training, related to the subject to be named on the credential and verified by official transcript, may be substituted for a maximum of two of the five years of work experience. This substitution may be made on a pro rata basis up to the two year maximum. One year of the required work experience shall be within the three years immediately preceding the issuance of the preliminary credential. Except as provided below, teaching shall not be considered as acceptable work experience. For purposes of meeting the requirement of one year of work experience within the three years immediately preceding the issuance of the preliminary credential, any of the following or a combination of the following may be cumulated to total 1500 clock hours:

(A) work experience,

(B) vocational teaching experience,

(C) college level related coursework,

(D) non-college related coursework, or

(E) an occupational internship,

(2) Verification of a high school diploma or the equivalent;

(3) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;

(4) Verification, signed by a Commission-approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including Level I and Level II requirements of the program of personalized preparation;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation, signed by a Commission-approved LEA or the ESD on a form approved by the Commission; verification of the applicant's qualifying work experience, the fee(s) as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(5); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary full-time vocational education teaching credential shall include all of the following:

(1) A valid initial preliminary full-time vocational education teaching credential;

(2) Verification by a Commission-approved LEA to the ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one-time reissuance of a preliminary full-time vocational education teaching credential shall include all of the following:

(1) A valid preliminary full-time vocational education teaching credential;

(2) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(3) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verifications as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear full-time vocational education teaching credential shall include all of the following:

(1) A valid preliminary full-time vocational education teaching credential;

(2) Verification by the ESD of two years of successful teaching in the subject(s) and grade level(s) authorized by the preliminary vocational education teaching credential while holding the valid preliminary full-time vocational education teaching credential;

(3) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(4) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the

Commission; the fee(s) as specified in Section 80487; and verifications as specified for requirements (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear full–time vocational education teaching credential authorizes the holder to teach in the subject named on the credential as specified in Section 80035.5 in grades 12 and below, and in classes organized primarily for adults, in technical, trade or vocational courses which shall be part of a program of technical, trade or vocational education.

[The next page is 413.]

(f) Period of Validity. The period of validity of the preliminary and clear full–time vocational education teaching credentials shall be as follows:

(1) A preliminary full–time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(3) shall be valid for one year. The one–year preliminary full–time vocational education teaching credential shall be extended to the full five–year preliminary period upon verification of satisfaction of requirement (a)(3) and submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94) and the fee(s), as specified in Section 80487;

(2) An initial preliminary full–time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years, but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission–approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission–approved program of personalized preparation;

(3) A preliminary full–time vocational education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five–year reissuance shall be allowed to any qualifying applicant;

(4) A clear full–time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear full–time vocational education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94) and the payment of a fee as specified in Section 80487. A clear full–time vocational education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94), the payment of a fee as specified in Section 80487, and verification of completion of 150 clock hours of professional growth requirements as described in Section 80569.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44253, 44256(d), 44260, 44260.1, 44260.8, 44277 and 44335, Education Code.

HISTORY

1. Renumbering and amendment of former Section 80035 to Section 80040 and new Section 80035 filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment filed 3–10–89; operative 4–9–89 (Register 89, No. 11).
3. Amendment of section and NOTE filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80035.1. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Part–Time Vocational Education Teaching Credential.

(a) The minimum requirements for the issuance of an initial preliminary part–time vocational education teaching credential shall include all of the following:

(1) Verification, by previous employers, of five years of work experience, directly related to each subject to be named on the credential and listed in Section 80035.5. Forty–eight semester units or the quarter unit equivalent of postsecondary vocational training, related to the subject to be named on the credential and verified by official transcript, may be substituted for a maximum of two of the five years of work experience. This substitution may be made on a pro rata basis up to the two year maximum. One year of the required work experience shall be within the three years immediately preceding the issuance of the preliminary credential. Except as provided below, teaching shall not be considered as acceptable work experience.

For purposes of meeting the requirement of one year of work experience within the three years immediately preceding the issuance of the preliminary credential, any of the following or a combination of the following may be cumulated to total 1500 clock hours:

(A) work experience,

(B) vocational teaching experience,

(C) college level related coursework,

(D) non–college related coursework, or

(E) an occupational internship.

(2) Verification of a high school diploma or the equivalent;

(3) Verification, signed by a Commission–approved LEA, or by an ESD authorized to do so by a Commission–approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the program of personalized preparation;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission–approved LEA or ESD on a form approved by the Commission; verification of the applicant's qualifying work experience; the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(4); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary part–time vocational education teaching credential shall be all of the following:

(1) A valid initial preliminary part–time vocational education teaching credential;

(2) Verification by a Commission–approved LEA to the ESD of the successful completion of all Level I requirements of a Commission–approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one–time reissuance of a preliminary part–time vocational education teaching credential shall include all of the following:

(1) A valid preliminary part–time vocational education teaching credential;

(2) Verification by a Commission–approved LEA of completion of all Level I requirements of a Commission–approved program of personalized preparation;

(3) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission–approved LEA and or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verification as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear part–time vocational education teaching credential shall include all of the following:

(1) A valid preliminary vocational education teaching credential;

(2) Verification by the ESD of two years of successful teaching in the subject(s) and grade level(s) authorized by the preliminary vocational education teaching credential;

(3) Verification by a Commission–approved LEA of completion of all Level I requirements of a Commission–approved program of personalized preparation;

(4) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission–approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verification of requirements as specified in (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear part–time vocational education teaching credential authorizes the holder to teach not more than half–time in the subject named on the credential in grades 12 and below, and in classes organized primarily for adults, in technical, trade or voca-

tional courses which shall be part of a program of technical, trade or vocational education. For the purpose of this credential, half-time for the holder of this credential who teaches in only one school district shall not exceed one-half of a full-time assignment for vocational educators in that school district. Half-time for the holder of this credential who teaches in more than one school district shall not exceed one-half of the greatest number of hours considered to be a full-time assignment for vocational educators in any one of the districts.

(f) Period of Validity. The period of validity of the preliminary and clear part-time vocational education teaching credential shall be as follows:

(1) An initial preliminary part-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years, but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission-approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation;

(2) A preliminary part-time vocational education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five-year reissuance shall be allowed to any qualifying applicant;

(3) A clear part-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear part-time vocational education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94) and the payment of a fee as specified in Section 80487. A clear part-time vocational education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94); the payment of a fee as specified in Section 80487; two years of work experience, completed during the five year period of validity of the clear credential, directly related to the subject named on the credential; and verification of completion of professional growth requirements as described in Section 80569.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256(d), 44260.5, 44260.8 and 44277, Education Code.

HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

§ 80035.5. Subject Classification System for Designated Subjects Vocational Education Teaching Credentials.

(a) LEAs and or ESDs shall recommend applicants for designated subjects vocational education teaching credentials in one of the following subjects:

accounting occupations; agriculture business management and marketing; agriculture mechanics; airframe and powerplant mechanics; amusement and theme park occupations; animal care; animal control; animal production; athletic trainer; automotive body repair and refinishing; automotive brake installation and repair; automotive electrical systems service and repair; automotive heating and air-conditioning service; automotive mechanics; automotive parts counterperson; automotive suspension and steering repair; automotive transmission and transaxle service and repair; avionics; banking; barbering; bicycle repair; biomedical equipment technology; boat building; business management; carpentry; child care; clothing, alteration and repair; commercial art; commercial diving; commercial photography; communications electronics; computer applications; computer assisted manufacturing; computer electronics; computer maintenance and repair; computer programming; computer systems operation; concrete placing and finishing; construction equipment operation; construction inspection; control system maintenance and repair; cosmetology; court reporting; crop production; custodial services; customer service representative; dental services; diesel equipment mechanics; dietetics and nutrition service; drafting occupations; drywall installation; elderly care services (non-medical); electric motor repair; electrical power distribution; electrician; electronic consumer products service; electronic publishing; electronics assembly; energy, environment and resource management; engine performance technician; event and conference planning; fabric maintenance services; family and human service occupations; fashion design; fashion manufacturing (factory and custom); fashion merchandising; financial management and services; fire control and safety; fire fighting; floor covering installation; floriculture and floristry; food and beverage production and preparation; food and beverage services; forestry, natural resources and rural recreation; foundry work; furniture making, finishing and refinishing; general contracting; glazing; hazardous materials occupations; health care biotechnology services; health care diagnostic services; health care information services; health care preventive services; health care supportive services; heating, air-conditioning and ventilation installation and service; heavy equipment maintenance and repair; hotel and lodging occupations; hybrid microelectronics; income tax preparation; industrial ceramics manufacturing; industrial electronics; industrial maintenance; information processing; information systems management; instrument repair; insurance occupations; interior design; interior maintenance (residential and commercial); international trade; jewelry design, fabrication, and repair; landscaping; law enforcement occupations; legal office occupations; locksmithing and safe repair; machine tool operation and machine shop; major appliance repair; manicuring and pedicuring; marine power plant maintenance and repair; marketing; masonry; medical office services; metal fabrication; millwork and cabinet making; motor sweeper operator; motorcycle service and repair; multimedia production; nursing services; office occupations; optical goods work; ornamental nursery operation; painting-construction; pipefitting and steamfitting; plastering; plastics and composites manufacturing occupations; plumbing; pool and spa service; printing and graphics occupations; product development, testing and demonstration; protective and security services; real estate; recreation; refrigeration installation and maintenance; residential and commercial repair and remodeling; robotics; roofing; secretary/stenographer; sheet metal fabrication; shoe repair; small appliance repair; small business ownership and/or management; small engine service and repair; stage technology; structural and reinforcement ironwork; structural pest control; surveying; teaching/teacher aide; technical illustration; telecommunications; textile design; textile production and fabrication; therapeutic services; tile setting; tool and die making; tow truck operation; travel services; truck and bus driving; upholstering; warehousing; water treatment; welding; other vocational, trade, or technical occupation (specify).

(b) From time to time the Executive Director of the Commission on Teacher Credentialing may establish new subjects, each of which shall be brought to the Commission on Teacher Credentialing on a regular basis for inclusion in Section 80035.5(a).

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260, 44260.1 and 44260.5, Education Code.

HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

§ 80036. Specific Requirements for and Authorization of the Full-Time Designated Subjects Preliminary and Clear Adult Education Teaching Credential.

(a) The minimum requirements for the issuance of an initial preliminary full-time adult education teaching credential shall include all of the following:

(1) Verification of five years of experience and/or education related to each subject to be named on the credential. The experience and/or education shall meet the criteria specified in Section 80036.2.

(2) Verification of a high school diploma or the equivalent;

(3) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;

(4) Verification of passage of the California Basic Educational Skills Test, as specified in Education Code Section 44252. Applicants for an adult education teaching credential authorizing the teaching of adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, or in a non-academic subject are exempt from this requirement;

(5) Verification, signed by a Commission-approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including Level I and Level II requirements of the program of personalized preparation;

(6) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA or the ESD on a form approved by the Commission; verification of the applicant's qualifying experience, if experience is offered in partial satisfaction of requirements; the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(5); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary full-time adult education teaching credential shall include all of the following:

(1) A valid initial preliminary full-time adult education teaching credential;

(2) Verification by a Commission-approved LEA to the ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one-time reissuance of a preliminary full-time adult education teaching credential shall include all of the following:

(1) A valid preliminary full-time adult education teaching credential;

(2) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(3) Verification of completion of the health education unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verification as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear full-time adult education teaching credential shall include all of the following:

(1) A valid preliminary adult education teaching credential;

(2) Verification by the ESD of two years of successful teaching adult learners in the subject(s) authorized by the preliminary adult education teaching credential while holding the valid preliminary full-time adult education teaching credential;

(3) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(4) Verification of completion of the health unit requirement specified in Education Code Section 44260.8;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by the Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verification as specified for requirements (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear full-time adult education teaching credential authorizes the holder to teach the subjects named on the credential as specified in Section 80036.3 in courses organized primarily for adults.

(f) Period of Validity. The period of validity of the preliminary and clear full-time adult education teaching credentials shall be as follows:

(1) A preliminary full-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(3) shall be valid for one year. The one-year preliminary adult education teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(3) and submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94) and the fee, as specified in Section 80487;

(2) An initial preliminary full-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years, but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission-approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation;

(3) A preliminary full-time adult education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five-year reissuance shall be allowed to any qualifying applicant.

(4) A clear full-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear full-time adult education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94), the payment of a fee as specified in Section 80487. A clear full-time adult education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94), the payment of a fee as specified in Section 80487, and verification of completion of 100 clock hours of professional growth requirements as described in Section 80567.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44253, 44260.2, 44260.3, 44260.8, 44277 and 44335, Education Code.

HISTORY

1. Amendment of subsection (a)(2) filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
3. Amendment of section heading, section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

§ 80036.1. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Part-Time Adult Education Teaching Credential.

(a) The minimum requirements for the issuance of an initial preliminary part-time adult education teaching credential shall include all of the following:

(1) Verification of five years of experience and/or education related to each subject to be named on the credential and listed in Section 80036.3. The experience and/or education shall meet the criteria specified in Section 80036.2;

(2) Verification of a high school diploma or the equivalent;

(3) Verification of passage of the California Basic Educational Skills Test, as specified in Education Code Section 44252. Applicants for an adult education teaching credential authorizing the teaching of adults in an apprenticeship program or in a non-academic subject are exempt from this requirement;

(4) Verification, signed by a Commission–approved LEA, or by an ESD authorized to do so by a Commission–approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the program of personalized preparation;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission–approved LEA or the ESD on a form approved by the Commission; verification of the applicant's qualifying experience and education; the fee as specified in Section 80487; verifications as specified for requirements (a)(1) through (a)(5); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary part–time adult education teaching credential shall be all of the following:

(1) A valid initial preliminary part–time adult education teaching credential;

(2) Verification by a Commission–approved LEA to the ESD of the successful completion of all Level I requirements of a Commission–approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one–time reissuance of a preliminary part–time adult education teaching credential shall include all of the following:

(1) A valid preliminary part–time adult education teaching credential;

(2) Verification by a Commission–approved LEA of completion of all Level I requirements of a Commission–approved of personalized preparation;

(3) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission–approved LEA and or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verifications as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear part–time adult education teaching credential shall include all of the following:

(1) A valid preliminary adult education teaching credential;

(2) Verification by the ESD of two years of successful teaching adult learners in the subject(s) authorized by the preliminary adult education teaching credential;

(3) Verification by a Commission–approved LEA of completion of all Level I requirements of a Commission–approved program of personalized preparation;

(4) Verification of completion of the health unit requirements specified in Education Code Section 44260.8,

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission–approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verification as specified for requirements (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear part–time adult education teaching credential authorizes the holder to teach not more than half–time in the subject named on the credential in courses organized primarily for adults. For the purpose of this credential, half–time for the holder of this credential who teaches in only one school district shall not exceed one–half of a full–time assignment for adult educators in that school district. Half–time for the holder of this credential who teaches in more than one school district shall not exceed one–half of the greatest number of hours considered to be a full–time assignment for adult educators in any one of the districts.

(f) Period of Validity. The period of validity of the preliminary and clear part–time adult education teaching credentials shall be as follows:

(1) An initial preliminary part–time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission–approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission–approved program of personalized preparation;

(2) A preliminary part–time adult education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five–year reissuance shall be allowed to any qualifying applicant;

(3) A clear part–time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear part–time adult education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94); and the payment of a fee as specified in Section 80487. A clear part–time adult education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94); the payment of a fee as specified in Section 80487 and verification of completion of professional growth requirements as described in Section 80567.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.5, 44260.8 and 44277, Education Code.

HISTORY

1. New section filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80036.2. Qualifying Experience and/or Education for the Designated Subjects Adult Education Teaching Credential.

(a) Qualifying experience, or experience and education, or education, for an adult education credential authorizing the teaching of a non–academic subject shall meet one of the criteria described in the table below:

Education and/or Training	*Years of Subject–Related Experience Required*
High School Diploma or equivalent	+ 5 years
Twenty four semester units of collegiate course work, including a minimum four semester units in the subject to be taught	+ 4 years
Forty eight semester units of collegiate course work, including a minimum eight semester units in the subject to be taught	+ 3 years
Seventy two semester units of collegiate course work, including a minimum twelve semester units in the subject to be taught	+ 2 years
Ninety six semester units of collegiate course work, including a minimum sixteen semester units in the subject to be taught	+ 1 year
Baccalaureate degree with subject matter in the field to be taught verified by at least one of the following:	+ 0 years
Completion of 20 semester units or 10 upper division semester units in the subject to be taught.	

(b) Qualifying education for an adult education credential authorizing the teaching of an academic subject shall include a baccalaureate or higher degree completed at a regionally accredited college or university and completion of 20 semester units or 10 upper division semester units in the subject to be taught.

(c) Qualifying education for an adult education credential authorizing the teaching of English as a Second Language shall include a baccalaureate or higher degree completed at a regionally accredited college or university and completion of 20 semester units or 10 upper division semester units in one or any combination of the following:

(1) Teaching English as a Second Language (TESL);

(2) Teaching English to Speakers of Other Languages (TESOL);

(3) English;

(4) any language other than English;

(5) linguistics;
(6) bilingual/bicultural studies;
(7) teaching reading;
(8) speech.

(d) Qualifying education for an adult education credential authorizing the teaching of Elementary and Secondary Basic Skills shall include a baccalaureate or higher degree completed at a regionally accredited college or university and completion of 20 semester units with at least three units in four of the following six areas: English, mathematics, science, social sciences, fine arts and a foreign language.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.2, 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80036.3. Subject Classification System for Designated Subjects Adult Education Teaching Credentials.

(a) LEAs or ESDs shall recommend applicants for designated subjects adult education teaching credentials in a subject(s) contained within the categories that follow:

Category	Subject (to be named on the credential)
Adults with Disabilities	adaptive arts and crafts; adaptive computer technology; adaptive physical education; health; self–maintenance skills; other (specify)
Elementary and Secondary Basic Skills	elementary and secondary basic skills (includes basic education–grades one through eight; arithmetic; reading; individualized high school learning lab/G.E.D./contract class settings; citizenship); other (specify)
English	English
English as a Second Language	English as a second language
Fine Arts	fine arts
A Language Other than English (specify)	a specific language, other than English
Health and Safety	CPR; environmental safety; first aid; health education; nutrition; physical fitness and conditioning; safety education; other (specify)
Home Economics	arts and crafts; clothing construction; consumer education; decorative arts; dietetics and food management; nutrition; food preparation; home management; interior design; textiles; upholstery; other (specify)
Mathematics	mathematics
Older Adults	communication skills; creative arts; health; performing arts; physical fitness; public affairs; retirement planning; safety; self–maintenance; other (specify)
Parent Education	parent education; childbirth education; human development; family management; other (specify)
Science	life science, including general science; physical science, including general science; other (specify)
Social Sciences	social sciences
Vocational Education	aeronautics; agriculture; bookkeeping and accounting; building and construction trades; business management; career development; computer applications; computer programming; computer systems operation; computer technology; cosmetology; electronics technology; financial services; health occupations; industrial technology; information processing/keyboarding; marine technology; marketing; nursing; office occupations; small business ownership/management; other (specify)

(b) From time to time the Executive Director of the Commission on Teacher Credentialing may establish new categories or subjects, each of which shall be brought to the Commission on Teacher Credentialing on a regular basis for inclusion in Section 80036.3(a).

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.2, 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section heading, repealer of subsections (a)–(b)(17), new subsections (a)–(b) and amendment of NOTE filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80036.5. Effect of Changes Upon Certain Holders of Designated Subjects Teaching Credentials.

A preliminary Designated Subjects Adult Education Teaching Credential or a preliminary Designated Subjects Vocational Education Teaching Credential which was issued prior to effective date of this Section shall remain in force as it is valid and shall be renewed, provided all requirements for renewal are met in accordance with the requirements that were in effect at the time that credential was issued.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44225, Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential.

(a) The minimum requirements for the preliminary special subjects teaching credential shall include all of the following:

(1) Experience, or experience and education, or education in each special subject to be named on the credential, which totals four years. One year of the required experience shall be within the three–year period immediately preceding the issuance of the credential. This requirement shall be verified in one of the following ways:

(A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, experience is to be verified by the Federal Aviation Agency;

(B) for the special subject: Basic Military Drill, experience is to be verified by the adjutant general of the State of California; or

(C) for the special subject: Reserve Officers Training Corp (R.O.T.C.), experience is to be verified by the branch of military service sponsoring the program in the employing school district; or

(D) for the special subject: Driver Education and Training, a baccalaureate degree from a regionally accredited college or university and a valid California Driver's License.

(2) License, or recommendation, or course work shall meet one of the following criteria:

(A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, possession of a properly rated valid certificate, issued by the Federal Aviation Agency;

(B) for the special subject: Basic Military Drill, a recommendation from the adjutant general of the State of California;

(C) for the special subject: R.O.T.C., a recommendation from the branch of military service sponsoring the program in the employing school districts;

(D) for the special subject: Driver Education and Training, twelve semester hours of subject–matter course work in driver education;

(E) for the special subject: Limited Driver Training, a valid California driver's license; submission of a current transcript of driving record from the Department of Motor Vehicles; possession of a written statement from the prospective employing school district attesting to the applicant's ability to actually perform behind–the–wheel driver instruction; and possession of written assurance, from the prospective employing school district, that adequate supervision and appropriate staff development will be provided for the individual receiving the limited driver training authorization.

(3) Verification of a high school diploma or the equivalent;

(4) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;

(5) Verification of passage of the California Basic Education Skills Test, as specified in Education Code Section 44252.

(6) Verification by the Employing School District (ESD) or a Commission–approved Local Education Agency (LEA) that the applicant is aware of the requirements for the clear credential, including the program of personalized preparation;

(7) Submission of a completed application form; a recommendation signed by a Commission–approved LEA or the ESD on a form approved by the Commission; the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(6); and personal identification on duplicate fingerprint cards.

(b) The minimum requirements for the clear special subjects teaching credential shall include all of the following:

(1) A valid preliminary special subjects teaching credential;

(2) Verification by the ESD of two years, or the equivalent, of successful teaching as defined in subsection 80034(f) and as authorized by the preliminary special subjects teaching credential;

(3) Verification by a Commission–approved LEA of completion of nine semester units, or 135 clock hours, in a Commission–approved program(s) of personalized preparation;

(4) Verification of completion of the health unit requirement specified in Education Code Section 44261, by one of the means specified in Section 80421;

(5) Submission of a completed application form; a recommendation signed by a Commission–approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verifications as specified for requirements (b)(2), (b)(3) and (b)(4).

(c) Authorization. The preliminary or clear Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults.

(d) Period of Validity. The period of validity of the preliminary and clear special subjects teaching credentials shall be as follows:

(1) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(4) shall be valid for one year. The one–year preliminary special subjects teaching credential shall be extended to the full five–year preliminary period upon verification of satisfaction of requirement (a)(4) and submission of a completed application form and the fee, as specified in Section 80487;

(2) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years;

(3) A clear special subjects education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (b) shall be valid for five years and is renewable on the basis of an application and payment of a fee.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44260.4, 44261 and 44335, Education Code.

HISTORY

1. Repealer and new section filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80037.5. Subject Matter Programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Driver Training.

(a) To be approved by the Commission, a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training shall include 12 semester hours, or 180 clock hours, of subject matter course work and/or staff development work in driver education and training.

(b) To be granted preliminary approval or continued approval by the Commission as a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training, the program must be developed, submitted and implemented by a Local Education Agency (LEA). An LEA, as it applies to subject matter programs in driver education and training means any of the following categories of agencies:

(1) A California public school district or consortium of school districts;

(2) A California county superintendent of schools office;

(3) A California regional occupational program or center;

(4) A California State Agency;

(5) A Commission–approved teacher preparation institution.

(c) An LEA desiring to develop a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training shall file with the Commission a request for approval, signed by the Chief Administrative Officer of the agency or agencies constituting the LEA. This request shall include a complete description of how the program will meet all requirements, including each standard of program quality and effectiveness adopted by the Commission as set forth in this regulation with a particular focus upon how the LEA proposes to assure that students will acquire the competencies, skills and knowledge required.

(d) The request for approval of standards of program quality and effectiveness for subject matter programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training shall specify the competencies, skills and knowledge to be required of the student in each of the following areas:

(1) Motivation (including, but not limited to the ability to identify and use important motivational factors in driving, including risk tolerance, emotion, intrinsic motivators, and resistance to negative learning);

(2) Knowledge (including, but not limited to the ability to identify and use the knowledge related to driving in the Highway Transportation System, including the California Vehicle Code, driving tasks, human factors, and the physics of driving);

(3) Attention (including, but not limited to the ability to make use of attention in driving, including alertness, divided attention, and switching attention);

(4) Detection and Perception (including, but not limited to the acquisition of knowledge and the ability to use detection and perception skills which includes the driver's searching, scanning, noticing potential hazards, and the mental processing of information from the senses);

(5) Evaluation of Potential Perceived Hazards (including, but not limited to, the ability to evaluate perceived potential hazards, including factors such as speed and distance, risk assessment, other road users' expectations and motivations);

(6) Decision Making (including, but not limited to the ability to identify and weigh options while driving, selecting and timing responses to optimize benefits and reduce or eliminate negative impacts);

(7) Motor Skills (including, but not limited to the demonstration, behind the wheel, of adequate psychomotor skills to properly execute an intended action, including executing correct choices, sensitivity to vehicle response, controlling acceleration and speed, controlling deceleration, steering, and error correction);

(8) Safety Margin (including, but not limited to the ability to practice an adequate safety margin, including the management of the time and space available for detection, perception, evaluation, decision, and response, as well as the control of safety margin through choice of driving speed and vehicle placement);

(9) Responsibility (including, but not limited to the practice of basic self-correction and self-control needed for safe, mature, efficient, and socially responsible use of the roads, including the self-monitoring of one's driving behavior and its effects on other road users, a commitment to driving unimpaired, conflict avoidance, use of safety restraints, positive/negative communication among road users, and energy/environmental conservation);

(10) Diversity and Equity in the Program (including, but not limited to understanding and appreciation of the role of human diversity in Driver Education and Training, including cultural, ethnic, gender, age, socio-economic, language diversity, and individuals with exceptional needs, including the promotion of educational equity by utilizing instructional, advisement and curricular practices that offer equal access to program content and career options for all credential candidates);

(11) Computer Literacy and Educational/Instructional Technology (including, but not limited to the employment of multiple strategies, activities and materials that are appropriate for effective instruction and assessment of learning and development in Driver Education and Training and that provide the foundation for the credential candidates to examine and use technology in the teaching and learning process. Credential candidates will demonstrate knowledge of basic operations, terminology and capabilities of computer-based technologies)'

(12) Program Organization and Management (including, but not limited to the demonstration and management of a driver education and training program, including scheduling, budgeting, facilities and equipment, legal aspects, public relations, parent involvement, and evaluation);

(13) Behind the Wheel (including, but not limited to the demonstration of competence in teaching the content identified in these standards as well as those California laws and regulations that are applicable to novice drivers under actual on-street driving conditions, including the demonstration of knowledge of a variety of additional techniques and methods, including simulators, driving range, and interactive technology products).

(e) The Commission will approve subject matter programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training after a review of the request, when such requests reflects that the program submitted by the LEA meets the requirements and standards. Programs will be monitored by the Commission to determine if the requirements and standards are continuing to be met.

(f) An LEA that offered a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training on the effective date of this section shall continue to be authorized to offer that program, but for no longer than one calendar year from the effective date of this section, or until approved by the Commission, whichever is first.

NOTE: Authority cited: Sections 44225(q) and 44260.4, Education Code. Reference: Sections 44260.7, 44225(b) and 44225(d), Education Code.

HISTORY

1. New section filed 3-18-98; operative 4-17-98 (Register 98, No. 12).

§ 80038. Specific Requirements for and Authorization of the Designated Subjects Supervision and Coordination Credential.

(a) The minimum requirements for the designated subjects supervision and coordination credential shall include all of the following:

(1) A valid designated subjects teaching credential, other than for part-time service;

(2) Verification by the ESD of three years of full-time teaching experience in the subject named on the designated subjects credential;

(3) Verification by an LEA of completion of six semester units, or 90 clock hours, in a Commission-approved personalized preservice program in supervision and coordination as described in Section 80040.3;

(4) Verification of passage of the California Basic Education Skills Test, as specified in Education Code Section 44252;

(5) Submission of a completed application form signed by a Commission-approved LEA; the fee as specified in Section 80487; and documents as specified in (a)(2) and (a)(3).

(b) Authorization. The designated subjects supervision and coordination credential authorizes the holder to supervise and coordinate subjects and classes in all types of designated subjects programs.

(c) Period of Validity. The period of validity of the designated subjects supervision and coordination credential shall be determined by the expiration date of the designated subjects teaching credential, but may not exceed five years.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252 and 44260.6, Education Code.

HISTORY

1. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80039. Preliminary Credential for Part-Time Service.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80040. General Requirements for Designated Subjects Programs of Personalized Preparation.

(a) A LEA desiring to offer a program of personalized preparation for the designated subjects teaching credential or for the designated subjects supervision and coordination credential shall file with the Commission on Teacher Credentialing an application for approval, signed by the Chief Administrative Officer of the agency or agencies constituting the LEA. This application shall include a complete description of how the program will meet each standard of program quality and effectiveness with a particular focus upon how the LEA proposes to assure that candidates will acquire the competencies, skills and knowledge required.

(b) The Commission will approve programs after the review of the application, when such application reflects that the program submitted by the LEA meets the requirements. Programs will be monitored by the Commission to determine if the requirements are being met.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1, 44260.3 and 44260.5, Education Code.

HISTORY

1. Repealer of former Section 80040 and renumbering and amendment of former Section 80035 to Section 80040 filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

§ 80040.1. Cooperative Planning for and Implementation of the Program of Personalized Preparation.

(a) The purpose of the program of personalized preparation is to ensure that holders of designated subjects credentials possess competencies, skills and knowledge in accordance with Commission-approved standards of program quality and effectiveness.

(b) The planning for the program of personalized preparation shall include the applicant, the ESD and the LEA. Great care shall be taken to include those program components which are specific to the background and present assignment needs of the applicant.

(c) In the event of a difference of opinion between an LEA and an ESD as to whether a program of personalized preparation has been completed, the holder of a preliminary designated subjects credential may file an appeal pursuant to Article 6.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1, 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

§ 80040.2. Specific Requirements for Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.

(a) The application for Commission approval of programs of personalized preparation for the designated subjects adult education teaching credential shall specify the skills and knowledge to be required of the candidate, for recommendation for the specific credential as follows:

(1) Level I requirements for the designated subjects adult education teaching credential: a minimum of four semester units or 60 clock hours of instruction in the following areas:

(A) Diversity in Students and Communities (including, but not limited to, understanding of student differences; respect for diversity; and mainstreaming);

(B) Adult Learning Process (including, but not limited to, principles and practices of adult learning; adaptation of instruction to student differences; problem solving and critical thinking skills; flexible instructional planning; encouragement of positive student attitudes toward learning; and instruction relevant and appropriate to the interests and needs of adult learners);

(C) Instructional Practices (including, but not limited to, awareness and use of instructional practices that are appropriate for students' abilities and skills; use of a variety of instructional strategies, including the use of computers in an instructional setting; student motivation; promotion of excellence and involvement; and classroom management);

(D) Evaluation of Instruction and Student Achievement (including, but not limited to, understanding of relationship between evaluation results and the selection of instructional content; and ability to monitor and evaluate student progress);

(E) Interpersonal Relations (including, but not limited to, self–esteem and respect; and effective communication with students);

(2) Level II requirements for the designated subjects adult education teaching credential; a minimum of five semester units or 75 clock hours of instruction in the following areas:

(A) Diversity in Students and Communities (including, but not limited to, understanding and sensitivity toward the cultural heritage; community values and individual aspirations of diverse students);

(B) Instructional Technology (including, but not limited to, lesson planning; use of a variety of materials, equipment and technologies; ability to use computers and accompanying technology; knowledge and ability to use appropriate technology);

(C) Curriculum (including, but not limited to, development of course outlines; and preparation of lesson plans);

(D) Evaluation of Instruction and Student Achievement (including, but not limited to, use of a variety of techniques to determine student needs; determination and communication to students of appropriate achievement criteria);

(E) Counseling and Guidance (including, but not limited to, knowledge of a variety of counseling and guidance services; and identification of specific services to assist students);

(F) Community, Legislative and Occupational Relationships (including, but not limited to, roles of governing boards and advisory councils; effective marketing techniques; awareness and utilization of career information; the legislative process and its effect on adult education; awareness of relevant laws and regulations; and funding sources);

(G) Interpersonal Relation (including, but not limited to, understanding of adult developmental stages; motivational, group facilitation and conflict resolution skills).

(b) The LEA is responsible to work cooperatively with ESDs in implementing each and all components of the program in a manner that is responsive to the personalized needs of the designated subjects participants.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section heading, section and NOTE filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80040.2.5. Instructional Practices Component of Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.

(a) The instructional practices component of the program of personalized preparation for the designated subjects adult education teaching credential in any subject within the category specified below shall include demonstrated competence in the following:

(1) Adults with Disabilities: instructional strategies, activities and materials that are appropriate to the teaching of adults with disabilities.

(2) English as a Second Language: language structure, second language acquisition and development, and instructional strategies, activities and materials that are appropriate to the teaching of English as a Second Language to adult learners.

(3) Older Adults: instructional strategies, activities and materials that are appropriate to the teaching of older adults.

(b) The instructional practices component of the program of personalized preparation for applicants for the designated subjects adult education teaching credential in any subject who wish to teach in programs that primarily serve older adults shall include instructional strategies, activities and materials that are appropriate to the teaching of older adults.

(c) The instructional practices component of the program of personalized preparation for applicants for the designated subjects adult education teaching credential in any subject who wish to teach in programs that primarily serve adults with disabilities shall include instructional strategies, activities and materials that are appropriate to the teaching of adults with disabilities.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80040.2.7. Timeline for Submission of Revised Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.

An LEA with a program of personalized preparation for the Designated Subjects Adult Education Teaching Credential that received Commission–approval prior to the effective date of this section shall submit a revised application for approval within one calendar year from the effective date of this section. The Commission will approve revised programs after review of the application when such application reflects that the revised program submitted by the LEA meets requirements.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80040.3. Specific Requirements for Commission Approval of the Personalized Program in Supervision and Coordination Shall Include the Following:

(a) Knowledge of the purposes, characteristics, and activities of vocational and/or nonvocational designated subjects programs.

(b) Planning, organization, and management of designated subjects programs which may include, but not be limited to:

(1) Program Implementation Planning;

(2) Conference leadership;

(3) Community relations and advisory processes;

(4) Program evaluations;

(5) Principles of student leadership and development.

(c) Personnel policy development and administration which may include, but not be limited to:

(1) Selection;

(2) Evaluation;

(3) Staff Development;

(4) Human Relations;

(5) Supervision.

(d) Fiscal and regulatory concepts related to designated subjects programs which may include, but not be limited to:

(1) Budgeting;

(2) Legislation;

(3) School Law;

(4) Intra and interagency relations;

(5) Funding sources.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44260.6, Education Code.

HISTORY

1. New section filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80041. Types of Designated Subjects Credentials for Adult Education.

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. Amendment filed 11–6–78; effective thirtieth day thereafter (Register 78, No. 45).
2. Repealer and new section filed 6–5–79; effective thirtieth day thereafter (Register 79, No. 23).
3. Repealer filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80041.1. Terms and Requirements for Issuance.

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6–5–79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80041.2. Authorization for Service.

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6–5–79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80041.3. Requirements for the Credential.

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6–5–79; effective thirtieth day thereafter (Register 79, No. 23).
2. Amendment filed 11–2–79; effective thirtieth day thereafter (Register 79, No. 44).
3. Repealer filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80041.4. Requirements and Procedures for Agencies Recommending for Designated Subjects Credentials for Adult Education.

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6–5–79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 2–23–84; effective thirtieth day thereafter (Register 84, No. 8).

§ 80042. Specific Requirements for Programs of Personalized Preparation for the Designated Subjects Vocational Education Teaching Credential.

(a) The application for Commission approval of programs of personalized preparation for the designated subjects vocational education teaching credential shall include a description of the required supervised occupational student teaching component of the program and shall specify the skills and knowledge to be required of the candidate, for the recommendation for the specific credential as follows:

(1) Level I requirements for the designated subjects vocational education teaching credential: a minimum of 6 semester units or 90 clock hours of instruction in the following areas:

(A) Learning and instruction (including, but not limited to, basic learning theory, methods of teaching, and instructional technology including the use of computers in an instructional setting, and introduction to special needs);

(B) Classroom management (including, but not limited to, the implementation of safe and legal practices, discipline, class control and record keeping);

(C) Curriculum (including, but not limited to, objectives development, lesson planning, course materials preparation, and safety and legal responsibilities); and

(D) Student evaluation (including, but not limited to, teacher generated testing processes).

(2) Level II requirements for the designated subjects vocational education teaching credential: a minimum of 6 semester units or 90 clock hours of instruction in the following areas:

(A) Foundations, (including, but not limited to, history and philosophy of education, scope and function of education, community relations, leadership development, and advisory groups);

(B) Learning and instruction (including, but not limited to, advanced teaching methods and strategies, instructional technology; student motivation reinforcement and feedback);

(C) Vocational classroom management (including, but not limited to, proper learning environment, maintenance and facility management, program budgeting and inventory);

(D) Curriculum (including, but not limited to, needs assessment and the integration of academic skills);

(E) Evaluation (including, but not limited to, evaluation of instruction and program evaluation); and

(F) Special needs (including, but not limited to, handicapping conditions, multicultural education, language development, gender equity and mainstreaming).

(b) The LEA is responsible to work cooperatively with ESDs in implementing each and all components of the program in a manner that is responsive to the personalized needs of the designated subjects participants.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1 and 44260.5, Education Code.

HISTORY

1. Repealer filed 2–27–80; effective thirtieth day thereafter (Register 80, No. 9).
2. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80042.5. Timeline for Submission of Revised Programs of Personalized Preparation for the Designated Subjects Vocational Education Teaching Credential.

An LEA with a program of personalized preparation for the Designated Subjects Vocational Education Teaching Credential that received Commission–approval prior to the effective date of this section shall submit a revised application for approval within one calendar year from the effective date of this section. The Commission will approve revised programs after review of the application when such application reflects that the revised program submitted by the LEA meets requirements.

[The next page is 417.]

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1 and 44260.5, Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80043. Statement of Employment and Verification of Qualifications.

(a) When considering an application for an Eminence Credential, the Commission shall be guided by the following definition of an eminent individual: The eminent individual is recognized as such beyond the boundaries of his or her community, has demonstrably advanced his or her field and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor. The employing school district shall demonstrate how the eminent individual will enrich the educational quality of the school district and not how he or she will fill an employment need.

(b) Pursuant to Section 44262 of the Education Code, issuance of an Eminence Credential shall be based upon a recommendation from the governing board of the school district, a statement of employment, submission of the fee(s) established in Section 80487 and a verification of the applicant's eminence qualifications.

(1) The Statement of Employment in the district shall include the proposed assignment of the credential applicant, and a certification of the intention of the district to employ the applicant if granted an Eminence Credential.

(2) The verification of eminence qualifications of an applicant for an Eminence Credential shall include:

(A) Recommendations, which may be from, but need not be limited to, the following: professional associations; former employers; professional colleagues; any other individuals or groups whose evaluations would support eminence; and

(B) Documentation of achievement, which may include, but need not be limited to, the following: advanced degrees earned; distinguished employment; evidence of related study or experience; publications; professional achievement; and recognition attained for contributions to his or her field of endeavor.

(3) The Commission shall provide notice to the public of those individuals for whom it is considering issuing Eminence Credentials. Any association, group, or individual may provide the Commission with a written statement regarding the qualifications of an individual under consideration for an Eminence Credential.

(c) The Commission may assign certification staff the authority to review eminence applications to determine if an individual meets the definition of eminence pursuant to Section 44262 of the Education Code and (a) above.

(1) If staff concludes an applicant meets the definition, staff shall forward the application to the Commission for review and action at the next available meeting.

(2) If staff concludes an applicant does not meet the definition, staff shall deny the application.

(A) If the staff denies an application for eminence, the employing school district requesting the Eminence Credential may request that staff reconsider its determination upon submission of new evidentiary material relevant to the reason(s) for denial, that was not available at the time the application was initially submitted to the Commission.

(B) If staff determines that, based on the new supporting information, the applicant now meets the definition of eminence, staff shall forward the application to the Commission for review and action at the next available Commission meeting.

(C) If upon review of the new supporting information, staff determines that there is no new evidence that provides additional support of the applicant's eminence, the district's eminence application will be placed on the Commission's consent calendar with a staff recommendation for denial.

NOTE: Authority cited: Sections 44225 and 44253.9, Education Code. Reference: Section 44262, Education Code.

HISTORY

1. Amendment of section and NOTE filed 10–11–96; operative 11–10–96 (Register 96, No. 41).
2. Amendment of subsection (a) and new subsections (c)–(c)(2)(B) filed 3–11–99; operative 4–10–99 (Register 99, No. 11).
3. Amendment of subsections (c)(2)(A)–(B), new subsection (c)(2)(C) and amendment of NOTE filed 1–30–2003; operative 3–1–2003 (Register 2003, No. 5).

§ 80044. Scope of Eminence.

A person may obtain an Eminence Credential if the subject or service in which the work is determined to exhibit eminence is one which a school board wishes to have taught or practiced in its district.

NOTE: Authority cited: Section 44225, Education Code.

§ 80045. Renewal of Eminence Credential.

(a) The Commission staff shall renew an Eminence Credential for three years upon receipt of an application for renewal with a written statement of support from the governing board of the school district adopted in a public meeting and submission of the fee(s) established in Section 80487.

(b) The Commission staff shall issue a Professional Clear Eminence Teaching Credential at the end of five years of possession of the Eminence Credential with a written statement of support from the governing board of the school district adopted in a public meeting, submission of an application and the fee established in Section 80487.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44262, Education Code.

HISTORY

1. Amendment filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Amendment filed 10–11–96; operative 11–10–96 (Register 96, No. 41).
3. Amendment of first paragraph, including addition of subsection (a) designator, and new subsection (b) filed 3–11–99; operative 4–10–99 (Register 99, No. 11).

§ 80046. Requirements for Teaching Adapted Physical Education.

All individuals assigned to teach adapted physical education shall hold the Adapted Physical Education Specialist Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56363(b)(5) and 56100(f), Education Code.

HISTORY

1. New section filed 11–15–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 46). For history of former Section 80046, see Register 82, No. 45.
2. Change without regulatory effect amending section and NOTE filed 12–16–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

§ 80046.1. Requirements for and Authorization of the Adapted Physical Education Specialist Credential.

(a) The requirements for the Adapted Physical Education Specialist Credential shall include both of the following:

(1) A California teaching credential that is based on a baccalaureate degree, and a program of professional preparation including student teaching, and which authorizes the teaching of physical education; and

(2) Completion of a Commission–approved program for the Adapted Physical Education Specialist Credential.

(b) Period of Validity. The period of validity of the Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential shall be determined by the expiration date of the prerequisite teaching credential.

(c) Authorization. The Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential authorize the holder to provide instruction and services to individuals with exceptional needs who are precluded from participation in the activities of the general physical education program or a specially designed physical education program in a special class.

NOTE: Authority cited: Sections 44225 and 44265, Education Code. Reference: Sections 56363(b)(5) and 56100(f), Education Code.

HISTORY

1. New section filed 11–15–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 46).

§ 80046.5. Credential Holders Authorized to Serve Children With Disabilities.

Credential holders who are authorized to serve children with disabilities must possess a credential that authorizes teaching the primary disability of the pupils within the special education class as determined by the program placement recommendation contained within the Individualized Education Program.

NOTE: Authority cited: Sections 22.44225, and 56342, Education Code. Reference: Sections 44265, 44265.5, 44343, 44349 and 56340–56347 Education Code; and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).
2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047. Authorization for Special Class with Primary Disabilities: Specific Learning Disability or Mental Retardation (Mild/Moderate).

Holders of the listed credentials are authorized to teach children with mild or moderate disabilities in a special day class in which the primary disability is "specific learning disability" as defined in subsection 300.7(b)(10) of Title 34 Code of Federal Regulations, Subpart A or "mental retardation" as defined in subsection 300.7(b)(5) of Title 34, Code of Federal Regulations, Subpart A.

(a) Education Specialist Instruction Credential: Mild/Moderate Disabilities

(b) Special Education Specialist Instruction Credential for the Learning Handicapped

(c) Standard Teaching Credential with the Minor–Mentally Retarded

(d) Restricted Special Education Credential–Educable Mentally Retarded

(e) Limited Specialized Preparation Credential–Mentally Retarded

(f) Special Secondary Credential–Mentally Retarded

(g) Exceptional Children Credential–Mentally Retarded

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(5) and (10); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).
2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.1. Authorization for Special Class with Primary Disability: Mental Retardation (Moderate/Severe).

Holders of the listed credentials are authorized to teach children with moderate or severe disabilities in a special day class in which the primary disability is "mental retardation" as defined in subsection 300.7(b)(5) of Title 34 Code of Federal Regulations, Subpart A.

(a) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(b) Special Education Specialist Instructor Credential for the Severely Handicapped

(c) Standard Teaching Credential with the Minor–Mentally Retarded

(d) Restricted Special Education Credential—Trainable Mentally Retarded

(e) Limited Specialized Preparation Credential—Mentally Retarded

(f) Special Secondary Credential—Mentally Retarded

(g) Exceptional Children Credential—Mentally Retarded

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(5); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).
2. Editorial correction restoring original text (Register 97, No. 32).
3. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.2. Authorization for Special Class with Primary Disability: Serious Emotional Disturbance.

(a) Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "serious emotional disturbance" as defined in subsection 300.7(b)(9) of Title 34 Code of Federal Regulations, Subpart A.

(1) Education Specialist Instruction Credential: Mild/Moderate Disabilities

(2) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(3) The Special Education Specialist Instruction Credential for the Severely Handicapped

(4) The special education credentials, other than the credentials in (1), (2), and (3) above, listed in Sections 80047 and 80047.1, provided the following conditions have been met:

(A) The holder of the special education credential has taught full–time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was serious emotional disturbance, and

(B) Has received a favorable evaluation or recommendation to teach a special day class with the primary disability of serious emotional disturbance by the local employing agency.

(b) The holder of one of the special education credentials listed in Sections 80047 and 80047.1 who does not meet the requirements of (a) above shall be authorized to teach in a special day class in which the primary disability is serious emotional disturbance provided the following requirement is met: Completion of a Commission–approved program for children identified with serious emotional disturbance.

NOTE: Authority cited: Section 44225, Educational Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(9); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86, designated effective 1–1–87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment filed 11–13–89; operative 12–13–89 (Register 89, No. 46).
3. Editorial correction of Section heading and subsection (a)(1) (Register 95, No. 9).
4. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.3. Authorization for Special Class with Primary Disability: Multiple Disabilities.

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "multiple disabilities" as defined in subsection 300.7(b)(6) of Title 34 Code of Federal Regulations, Subpart A.

(a) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(b) Education Specialist Instruction Credential: Physical and Health Impairments

(c) Special Education Specialist Instruction Credential for the Severely Handicapped

(d) Standard Teaching Credential with the Minor–Mentally Retarded

(e) Restricted Special Education Credential–Trainable Mentally Retarded

(f) Limited Specialized Preparation Credential–Mentally Retarded

(g) Special Secondary Credential–Mentally Retarded

(h) Exceptional Children Credential–Mentally Retarded

(i) Special Education Specialist Instruction Credential for the Physically Handicapped

(j) Standard Teaching Credential with the Minor–Orthopedically Handicapped, including Cerebral Palsied

(k) Restricted Special Education Credential–Orthopedically Handicapped, including the Cerebral Palsied

(l) Limited Specialized Preparation Credential–Orthopedically Handicapped, including the Cerebral Palsied

(m) Exceptional Children Credential–Orthopedically Handicapped, including the Cerebral Palsied

NOTE: Authority: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(6); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).
2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.4. Authorization for Special Class with Primary Disability: Autism.

(a) Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "autism" as defined in subsection 300.7(b)(1) (autistic) of Title 34 Code of Federal Regulations, Subpart A.

(1) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(2) Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, with Special Class Authorization

(3) The Special Education Specialist Instruction Credential for the Severely Handicapped

(4) The Special Education Specialist Instruction Credential for the Communication Handicapped provided the following conditions have been met:

(A) The holder has taught full–time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was autism, and has received a favorable evaluation or recommendation to teach a special day class with the primary disability of autism by the local employing agency.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(1); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment filed 11–13–89; operative 12–13–89 (Register 89, No. 46).

[The next page is 419.]

3. Editorial correction of Section heading and restoring HISTORY NOTE 2 (Register 95, No. 9).

4. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.5. Authorization for Special Class with Primary Disability: Speech and Language Impairment.

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "speech and language impairment" as defined in subsection 300.7(b)(11) of Title 34 Code of Federal Regulations, Subpart A.

(a) Special Education Specialist Instruction Credential for the Communication Handicapped

(b) Clinical or Rehabilitative Services Credential in Language, Speech and Hearing with the Special Class Authorization

(c) Standard Teaching Credential with the Minor–Speech and Hearing Handicapped

(d) Restricted Special Education Credential–Speech and Hearing Therapy

(e) Limited Specialized Preparation Credential–Speech and Hearing Handicapped

(f) Special Secondary Credential–Correction of Speech Defects

(g) Exceptional Children Credential–Speech Correction and Lip Reading

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44268 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(11); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).

2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.6. Authorization for Special Class with Primary Disability: Deafness or Hearing Impairment.

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "deafness" or "hearing impairment", as defined in subsections 300.7(b)(3) and 300.7(b)(4) of Title 34 Code of Federal Regulations, Subpart A.

(a) Education Specialist Instruction Credential: Deaf and Hard–of–Hearing

(b) Special Education Specialist Credential for the Communication Handicapped

(c) Standard Teaching Credential with the Minor–Deaf and Severely Hard–of–Hearing

(d) Restricted Special Education Credential–Deaf and Severely Hard–of–Hearing

(e) Limited Specialized Preparation Credential–Deaf and Severely Hard–of–Hearing

(f) Special Secondary Credential–Deaf

(g) Special Secondary Credential–Lip Reading

(h) Exceptional Children Credential–Deaf or Hard–of–Hearing

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44265, 44265.5(b) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(3) and (4); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).

2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.7. Authorization for Special Class with Primary Disability: Deaf–Blindness.

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "deaf–blindness" as defined in subsection 300.7(b)(2) of Title 34 Code of Federal Regulations, *Subpart A*.

(a) Education Specialist Instruction Credential: Deaf and Hard–of–Hearing

(b) Education Specialist Instruction Credential: Visual Impairments

(c) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(d) Special Education Specialist Instruction Credential for the Communication Handicapped

(e) Special Education Specialist Instruction Credential for the Visually Handicapped

(f) Special Education Specialist Instruction Credential for the Severely Handicapped

(g) Restricted Special Education–Deaf–Blind, and Severely Hard–of–Hearing

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44265.5(a)(b) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(2); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).

2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.8. Authorization for Special Class with Primary Disability: Visual Impairment including Blindness.

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "visual impairment including blindness" as defined in subsection 300.7(b)(13) of Title 34 Code of Federal Regulations, Subpart A.

(a) Education Specialist Instruction Credential: Visual Impairments

(b) Special Education Specialist Instruction Credential for the Visually Handicapped

(c) Special Education Specialist Instruction Credential for the Physically Handicapped that was issued prior to January 1, 1981, on the basis of completing a Commission–approved program in which the focus was the Visually Handicapped

(d) Standard Teaching Credential With the Minor–Visually Handicapped

(e) Restricted Special Education Credential–Visually Handicapped

(f) Limited Specialized Preparation Credential–Visually Handicapped

(g) Special Secondary Credential–Partially Sighted Child

(h) Special Secondary Credential–Blind

(i) Exceptional Children Credential–Visually Handicapped

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44265, 44265.5(a) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(13); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).

2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80047.9. Authorization for Special Class with Primary Disability: Orthopedic Impairment, Other Health Impairment, or Traumatic Brain Injury.

(a) Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "orthopedic impairment", as defined in subsection 300.7(b)(7) of Title 34 Code of Federal Regulations Subpart A, or "other health impairment" as defined in subsection 300.7(b)(8) of Title 34 Code of Federal Regulations, Subpart A, or "traumatic brain injury" as defined in subsection 300.7(b)(12) of Title 34 Code of Federal Regulations, Subpart A.

(1) Education Specialist Instruction Credential: Physical and Health Impairments

(2) Special Education Specialist Instruction Credential for the Physically Handicapped

(3) Standard Teaching Credential with the Minor–Orthopedically Handicapped, including the Cerebral Palsied

(4) Restricted Special Education Credential–Orthopedically Handicapped, including the Cerebral Palsied

(5) Limited Specialized Preparation Credential–Orthopedically Handicapped, including the Cerebral Palsied

(6) Exceptional Children Credential–Orthopedically Handicapped, including the Cerebral Palsied

(b) Holders of the listed credential are authorized to teach children with disabilities in a special day class in which the primary disability is "other health impairment" as defined in Title 34 Code of Federal Regulations.

(1) Education Specialist Instruction Credential: Mild/Moderate Disabilities

NOTE: Authority cited: Sections 44225 and 56339, Education Code. Reference: Sections 44265, 44265.5(c) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(7), (8) and (12); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12–22–86; designated effective 1–1–87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).
2. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80048. Specialist Instruction Credential.

A Specialist Instruction Credential shall be issued initially only until the date of expiration of the valid appropriate teaching credential, but for not more than five years.

(a) A Specialist Instruction Credential shall be renewed only until the date of expiration of the valid teaching credential, but not more than five years.

NOTE: Authority cited: Section 44225, Education Code.

§ 80048.1. Specialist Teaching Credentials in Reading.

(a) Requirements for the Restricted Specialist Teaching Credential in Reading for grades kindergarten through six.

(1) For initial issuance:

(A) Possession of a valid California teaching credential requiring a baccalaureate degree and teacher preparation, including student teaching.

(B) Possession of a Miller–Unruh Reading Certificate issued prior to June 30, 1987, pursuant to the Miller–Unruh Basic Reading Act of 1965, or passage of the National Teacher Examination for Reading Specialist (#30) and submission of an application for the Miller–Unruh Reading Certificate prior December 1, 1987.

(C) Letters from current or previous employers verifying completion of three years of teaching experience, including at least one year in a reading specialist position within the last five years.

(D) Official transcripts showing completion of the following college or university courses:

1. a basic course in the teaching of elementary school reading, and
2. a basic course in the teaching of elementary school language, and
3. a basic course in the diagnosis and remediation of reading disabilities, and
4. a course in directed clinical practice in the remediation of reading disabilities.

(E) The fee for initial issuance of this credential shall be one–half of the application fee as specified in Section 80487.

(2) Term: the Restricted Specialist Teaching Credential in Reading shall be initially issued and renewed for the period of time specified in Section 80048. Renewals shall be subject to submission of a completed credential application form and the fee as specified in Section 80487.

(3) Authorization: the Restricted Specialist Teaching Credential in Reading authorizes the holder to serve as a reading specialist in grades kindergarten through six.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44265, Education Code.

HISTORY

1. New section filed 11–30–87 as an emergency; operative 11–30–87 (Register 87, No. 49). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–30–88.
2. Emergency language filed 11–30–87 repealed by operation of Government Code Section 11346.1 on 3–30–88 (Register 88, No. 33).
3. New section filed 8–8–88; operative 9–7–88 (Register 88, No. 33).

§ 80048.2. Specific Requirements for Preliminary and Professional Clear Specialist Instruction Credential in Special Education.

(a) The minimum requirements for the preliminary Specialist Instruction Credential in Special Education shall include all of the following:

(1) A baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) The completion of a professional preparation program in a special education specialist category comparable to a Commission–approved program, including successful completion of student teaching or supervised field study, but taken outside of California and approved by the appropriate agency in the state where the coursework was completed;

(3) Passage of the California Basic Education Skills Test described in Education Code section 44252; and

(4) Written acknowledgement from the applicant and the employing district that the applicant is responsible for completing the requirements for the Multiple or Single Subject Teaching Credential, including the student teaching requirement, during the five–year term of the preliminary credential.

(b) The minimum requirements for the professional clear Specialist Instruction Credential in Special Education shall include all of the following:

(1) A baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) The completion of a Commission–approved professional preparation program in one or more special education categories or completion of a professional preparation program in one or more special education categories comparable to a Commission–approved program, including successful completion of student teaching or supervised field study, but taken outside of California and approved by the appropriate agency in the state where the coursework was completed; and

(3) Possession of a California Multiple or Single Subject Teaching Credential or an equivalent California Teaching Credential issued under prior statutes and regulations.

(c)(1) The period of validity of the preliminary Specialist Instruction Credential in Special Education is five years. The preliminary credential may not be renewed.

(2) Preliminary Specialist Instruction Credentials in Special Education shall not be initially issued after June 30, 1998.

(d)(1) The period of validity of the professional clear Specialist Instruction Credential in Special Education is dependent upon the period of validity of the prerequisite teaching credential, or five years, if the prerequisite teaching credential is valid for life.

(2) The professional clear Specialist Instruction Credential in Special Education will not be issued initially after June 30, 2001 for applicants who completed a professional preparation program in California.

(3) The professional clear Specialist Instruction Credential in Special Education will not be issued initially after June 30, 2003 for applicants who hold a preliminary Specialist Instruction Credential.

(e) Authorization. The preliminary or professional clear Specialist Instruction Credential in Special Education authorizes the holder to teach in the special education specialist category named on the credential and as specified in sections 80046.5 and 80047 through 80047.9.

(f) Holders of a valid preliminary Specialist Instruction Credential in Special Education may choose to pursue completion of the requirements for the five–year preliminary level I Education Specialist Instruction Credential in lieu of completing the requirements for the professional clear Specialist Instruction Credential as described in (b) above. Applicants may apply directly to the Commission for the preliminary level I Education Specialist Instruction Credential under this section. To be eligible for the preliminary level I credential, the holder must complete the following:

(1) subject–matter competence requirement either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject–matter program as

provided for in Education Code Section 44310 and described in Title 5 Sections 80085–80088 and 80094;

(2) a minimum of three semester units of coursework in non–special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;

(3) a minimum of one semester unit of supervised field experience in regular education verified by transcript or a minimum of 45 clock hours with non–special education students verified by the employing agency;

(4) a minimum of three semester units of coursework covering the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);

(5) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article; and

(6) verification of employment in a position requiring the Education Specialist Instruction Credential, as outlined in 80048.3(a)(8) and (b)(9) and verified by the employing agency.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44252, 44265, 44280, 44281, 44310, 44259(b)(4) and 44335, Education Code.

HISTORY

1. New section filed 9–4–90; operative 9–4–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 42).
2. Amendment of subsection (c) filed 9–21–92; operative 9–21–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 39).
3. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

§ 80048.3. Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential.

(a) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (8):

(1) a baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) the completion of a professional preparation program accredited by the Committee on Accreditation in the requested education specialist category, including successful completion of supervised field study;

(3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252, unless exempt by statute or regulation;

(4) verification of subject–matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject–matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085–80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject matter competence requirement;

(5) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);

(6) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article;

(7) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the preliminary credential sought, as specific in Education Code Section 44227(a); and

(8) verification of an offer of employment. The employment requirement may be met in one of the following ways:

(A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or

(B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:

1. Possession of a non–special education credential that authorizes employment in the position;
2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;
3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is enrolled must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and
4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.

(9) An individual who has completed requirements (1) through (7) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.

NOTE: Authority cited: Sections 44225 and 44275.3, Education Code. Reference: Sections 44225, 44227(a), 44252, 44265, 44275.3, 44280, 44281, 44310, 44259(b)(4) and 44335, Education Code.

HISTORY

1. New section filed 9–26–97; operative 10–26–97 (Register 97, No. 39).
2. New subsections (c)–(c)(3)(D), subsection relettering, amendment of newly designated subsection (d)(1) and amendment of NOTE filed 10–8–99; operative 11–7–99 (Register 99, No. 41).
3. Repealer of subsections (b)–(d)(1) filed 1–31–2005; operative 3–2–2005 (Register 2005, No. 5).

§ 80048.3.1. Specific Requirements for Preliminary Level I and Professional Clear Level II Education Specialist Instruction Credential for Experienced Out–of–State Credentialed Teachers.

(a) The minimum requirements for the five–year preliminary Level I Education Specialist Instruction Credential are all of the following, (1) through (7).

(1) Five years of full–time teaching experience in the disability area of the credential sought and in a state other than California.

(2) Rigorous performance evaluations.

(3) A valid special education teaching credential from another state, with a comparable authorization to the credential sought.

(4) Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education and appropriate to the disability area of the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.

(5) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(6) An offer of employment as specified in 80048.3(a)(8). An individual who has completed all other requirements (1) through (7) but does not have an offer of employment may apply for a Certificate of Eligibility as specified in 80048.3(a)(9).

(7) Passage of the California Basic Educational Skills Test (CBEST) administered pursuant to Education Code §44252. A one–year nonrenewable Level I Education Specialist Instruction Credential may be issued to an applicant who has not passed the CBEST and has satisfied subsections (a)(1) through (a)(6) above and Title 5 §80071.4(c).

(b) The minimum requirements for the professional clear Level II Education Specialist Instruction Credential are both of the following:

(1) A five-year preliminary Level I Education Specialist Instruction Credential issued pursuant to subdivision (a)(1), and

(2) Completion of all requirements for the professional clear Level II Education Specialist Instruction Credential, as specified in Title 5 §80048.4.

(c) The following definitions apply to terms used in this section.

(1) Full-Time Teaching Experience: This is defined as teaching a minimum of 4 hours a day, unless the minimum statutory attendance requirement for the students served is less. Experience must be on a daily basis and for at least 75% of the school year. Experience may be accrued in increments of a minimum of one semester. No part-time or combination of teaching with other school employment will be accepted. All experience must be gained in public schools in states other than California while serving on that state's valid teaching credential that is comparable to the authorization sought. Experience may be gained in more than one state other than California. This experience must be verified on the official letterhead of the district or districts by the superintendent, assistant superintendent, director of personnel, or director of human resources in which the teacher was employed. Experience from outside of the United States will not be considered.

(2) Rigorous Performance Evaluations:

(A) The teaching effectiveness areas on the performance evaluations must include, but are not limited to, all of the areas, 1. through 4., below. If these areas are not included in the evaluations, the individual may submit a supplemental letter, on district letterhead, signed by the individual's principal or personnel officer in the district in which the evaluations took place. If an evaluation or supplemental letter cannot be obtained that includes all of the four areas, then the individual would not qualify under this section. Verification of the authenticity of the evaluation letters must be given in writing by a personnel officer in the district in which the evaluations took place.

1. The use of teaching strategies that motivates all students to engage in the learning process.

2. The ability to establish and maintain high standards for student behavior.

3. A demonstration of deep knowledge of the subject being taught and the use of appropriate instructional strategies that promote student understanding.

4. An ability to plan and implement a sequence of appropriate instructional activities.

(B) Evaluations of the teacher's performance for at least two of the years of teaching experience from a state other than California must be submitted with at least one evaluation within the last two years of the experience.

(C) Evaluation ratings must be satisfactory or better.

(d) An individual who has previously been issued a preliminary Level I Education Specialist Instruction Credential based on Education Code §44274 is not eligible for a credential issued under this section.

(e) An individual who has previously been issued a California preliminary Specialist Instruction Credential in Special Education is eligible for a credential issued under this section provided the following (1) and (2) are met.

(1) Verification of all provisions of (a), and

(2) If the individual has California public school teaching experience in the authorization of the credential sought, submission of the most recent rigorous performance evaluation.

(3) The credential will be valid five years from the date of application.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44252, 44265, 44274 and 44274.2, Education Code.

HISTORY

1. New section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51).

§ 80048.4. Specific Requirements for the Professional Clear Level II Education Specialist Instruction Credential.

(a) The minimum requirements for the professional clear level II Education Specialist Instruction Credential include all of the following:

(1) possession of a preliminary level I Education Specialist Instruction Credential;

(2) completion of the study of health education, as specified in Education Code Section 44259(c)(1), by one of the means described in Section 80421 of this article;

(3) completion of the study of computer based technology, including the uses of technology in educational settings, as specified in Education Code Section 44259(c)(3); and

(4) completion of a course of study that requires each candidate to demonstrate advanced level knowledge and skills that are different than the requirements for the approved preliminary level I Education Specialist Instruction Credential. The course of study shall include an individualized preparation program plan collaboratively developed by the candidate, the preparing institution and designee(s) of the employing school district, county office, or special education local planning area.

(A) A minimum of 3/4 of each candidate's program plan shall consist of coursework approved by the recommending institution of higher education, with the specific content, including planned field experiences, to be identified within the candidate's individualized preparation program plan.

(B) The remaining 1/4 of the unit credit for each candidate's individualized preparation program plan may consist of electives related to the areas of special education or general education selected from one or more of the following:

1. Coursework provided by the preparing institution of higher education accredited by the Committee on Accreditation.

2. Field experience elements within the accredited program which are in addition to academic credit given.

3. Alternative training that provides knowledge and related skills presented by agencies approved jointly by the candidate's employing agency and the institution of higher education accredited for this program.

(5) the recommendation from a regionally accredited institution of higher education that has a professional preparation program accredited by the Committee on Accreditation in the professional clear credential sought, as specified in Education Code Section 44227(a); and

(6) A minimum of two years of successful experience in a full-time position in a public school or private school of equivalent status, while holding the preliminary level I Education Specialist Instruction Credential, as outlined in 80048.3(a)(8) and (b)(9) and verified by the employing agency.

(b) The individualized preparation program plan shall be filed with the preparing institution and may be revised as needed upon agreement by the candidate, the preparing institution, and the employing school district, county office, or special education local planning area.

(c) Period of Validity.

(1) A professional clear level II Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a) or (b) is valid for five years.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44227, 44259 and 44265, Education Code.

HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

§ 80048.5. Early Childhood Special Education Certificate.

(a) Requirements for the Early Childhood Special Education Certificate include all of the following:

(1) possession of a professional clear, clear, or life credential as listed in 80047 through 80047.9; and

(2) the completion of a Commission-approved professional preparation program in the education specialist category for early childhood special education, including successful completion of supervised field study.

(b) Period of Validity.

The Early Childhood Special Education Certificate shall remain valid as long as the credential required in 80048.5(a)(1) remains valid.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225 and 44265, Education Code.

HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

§ 80048.6. Authorizations for Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate.

(a) All Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate authorize service across the continuum of program options available pursuant to Education Code Sections 56031, 56360, and 56361. The continuum includes: resource rooms; special day classrooms; specials schools; home/hospital settings; correctional facilities; non-public, non-sectarian schools and agencies; and alternative instructional settings other than classrooms.

(b) The following authorizations refer to the disabilities defined in Title 34 Code of Federal Regulations:

(1) The Education Specialist Instruction Credential: Mild/Moderate Disabilities authorizes the holder to provide special education instruction and related services to individuals with a primary disability of specific learning disabilities, mild/moderate mental retardation, other health impairment, and serious emotional disturbance, in kindergarten, grades 1 through 12, and classes organized primarily for adults.

(2) The Education Specialist Instruction Credential: Moderate/Severe Disabilities authorizes the holder to provide special education instruction and related services to individuals with a primary disability of autism, moderate/severe mental retardation, deaf-blindness, serious emotional disturbance, and multiple disabilities, in kindergarten, grades 1 through 12, and classes organized primarily for adults.

(3) The Education Specialist Instruction Credential: Deaf and Hard-of-Hearing authorizes the holder to provide special education instruction and related services to individuals with a primary disability of deafness, deaf-blindness, and hearing impairment, from birth through grade 12, and classes organized primarily for adults.

(4) The Education Specialist Instruction Credential: Physical and Health Impairments authorizes the holder to provide special education instruction and related services to individuals with a primary disability of orthopedic impairment, other health impairment, multiple disabilities, and traumatic brain injury, from birth through grade 12, and classes organized primarily for adults.

(5) The Education Specialist Instruction Credential: Visual Impairments authorizes the holder to provide special education instruction and related services to individuals with a primary disability of visual impairment including blindness and deaf-blindness, from birth through grade 12, and classes organized primarily for adults.

(6) The Education Specialist Instruction Credential: Early Childhood Special Education authorizes the holder to provide educational services to children from birth through pre-kindergarten who are eligible for early intervention special education and related services under federal and state law, except children with a primary disability of deafness, hearing impairment, deaf-blindness, visual impairment including blindness, orthopedic impairment, and traumatic brain injury.

(7) The Early Childhood Special Education Certificate authorizes the holder to provide educational services to children from birth through pre-kindergarten who are eligible for early intervention special education and related services under federal and state law, except children with a primary disability of deafness, hearing impairment, deaf-blindness, visual impairment including blindness, orthopedic impairment, and traumatic brain injury, unless the individual holds a credential that authorizes serving children with that specific disability.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44265.5, Education Code.

HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

§ 80049. Specific Requirements for Professional Clear Services Credential with a Specialization in Pupil Personnel Services.

(a) A Services Credential with a Specialization in Pupil Personnel Services may be issued in the following areas: School Counseling, School Social Work, School Psychology, and School Child Welfare and Attendance on the basis of the completion of all requirements in subsections (b) or (c). Individuals seeking the School Child Welfare and Attendance area must also hold or be issued concurrently an authorization in School Counseling, School Social Work, or School Psychology.

(b) The minimum requirements for the professional clear Pupil Personnel Services Credential for applicants who complete a professional preparation program in California shall include (1) through (4):

(1) a baccalaureate or higher degree except in professional education from a regionally accredited institution of higher education;

(2) the completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation in the requested pupil personnel services area of specialization, including successful completion of a supervised field practice appropriate to the specialization area, in a school setting in direct contact with pupils;

(3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252(b); and

(4) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(c) The minimum requirements for the professional clear Pupil Personnel Services Credential for applicants who complete a professional preparation program outside California shall include (1) through (3). Applicants may apply directly to the Commission for the professional clear Pupil Personnel Services Credential under this section:

(1) a baccalaureate or higher degree except in professional education from a regionally accredited institution of higher education;

(2) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252(b); and

(3) the completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation in the requested pupil personnel services area of specialization, including successful completion of a supervised field practice appropriate to the specialization area, in a school setting in direct contact with pupils, but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed;

(A) The professional preparation program of study for the school counseling specialization area must include a minimum of 30 semester units, or the equivalent in quarter units, of post baccalaureate study;

(B) The professional preparation program of study for the school social work specialization area must include a minimum of 45 semester units, or the equivalent in quarter units, of post baccalaureate study;

(C) The professional preparation program of study for the school psychologist specialization area must include a minimum of 60 semester, units or the equivalent in quarter units, of post baccalaureate study;

(D) The professional preparation program of study for the added school child welfare and attendance specialization area must include a minimum of 9 semester units, or the equivalent in quarter units of post baccalaureate study; and

(d) The professional clear Pupil Personnel Services Credential authorizes the services specified in Section 80049.1.

(e) The professional clear Pupil Personnel Services Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252 and 44266, Education Code.

HISTORY

1. Repealer filed 12–10–98; operative 1–9–99 (Register 98, No. 50).
2. New section filed 10–27–99; operative 11–26–99 (Register 99, No. 44).

§ 80049.1. Authorization for Service.

(a) A Services Credential with a specialization in Pupil Personnel Services authorizes the holder to perform pupil personnel services in the specialization(s) named, as described below, in grades 12 and below, including preschool, and in programs organized primarily for adults:

(1) The Pupil Personnel Services: School Counseling Credential authorizes the holder to develop, plan, implement and evaluate a school counseling and guidance program that includes academic, career, personal and social development; advocate for the higher academic achievement and social development of all students; provide school–wide prevention and intervention strategies and counseling services; provide consultation, training and staff development to teachers and parents regarding students' needs; and supervise a district–approved advisory program as described in Education Code Section 49600.

(2) The Pupil Personnel Services: School Social Work Credential authorizes the holder to assess home, school, personal and community factors that may affect a student's learning; identify and provide intervention strategies for children and their families including counseling, case management, and crisis intervention; consult with teachers, administrators and other school staff regarding social and emotional needs of students; and coordinate family, school and community resources on behalf of students.

(3) The Pupil Personnel Services: School Psychology Credential authorizes the holder to provide services that enhance academic performance; design strategies and programs to address problems of adjustment; consult with other educators and parents on issues of social development, behavioral and academic difficulties; conduct psycho–educational assessments for purposes of identifying special needs; provide psychological counseling for individuals, groups and families; and coordinate intervention strategies for management of individual and school–wide crises.

(4) The Pupil Personnel Services: Child Welfare and Attendance Credential authorizes the holder to access appropriate services from both public and private providers, including law enforcement and social services; provide staff development to school personnel regarding state and federal laws pertaining to due process and child welfare and attendance laws; address school policies and procedures that inhibit academic success; implement strategies to improve student attendance; participate in school–wide reform efforts; and promote understanding and appreciation of those factors that affect the attendance of culturally–diverse student populations.

(b) An individual holding any of the authorizations described in this section may serve as an administrator of a pupil personnel services program per Education Code Section 44270.2.

(c) Nothing in this section shall be construed to preclude school districts from utilizing community–based service providers, including volunteers, individuals completing counseling–related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school–based activities by an individual holding a pupil personnel services authorization.

NOTE: Authority cited: Sections 44225 and 44266, Education Code. Reference: Sections 44252 and 44266, Education Code.

HISTORY

1. New section filed 10–27–99; operative 11–26–99 (Register 99, No. 44).

§ 80050. Specific Requirements for the Preliminary and the Professional Clear School Nurse Services Credential, Including Requirements for the Special Teaching Authorization in Health.

(a) The minimum requirements for the preliminary School Nurse Services Credential shall include all of the following:

(1) a baccalaureate or higher degree from a regionally accredited institution of higher education; and

(2) a valid California license as a registered nurse.

(b) The minimum requirements for the professional clear School Nurse Services Credential shall include all of the following:

(1) Possession of a California Preliminary School Nurse Services Credential;

(2) a valid California license as a registered nurse;

(3) Two years or the equivalent of successful service as a school nurse; and

(4) The completion of a professional preparation program for the School Nurse Services Credential accredited by the Committee on Accreditation, including successful completion of supervised field experiences, and the recommendation of the candidate for the School Nurse Services Credential by the college or university where the program was completed.

(c) The minimum requirements for the Special Teaching Authorization in Health, which may be added to an existing credential or taken in conjunction with the requirements specified in (b) above, include all of the following:

(1) Possession of a valid professional clear (previously titled "clear") California credential that authorizes service as a school nurse or completion of the requirements specified in (b) above;

(2) a valid California license as a registered nurse;

(3) Passage of the California Basic Educational Skills Test (CBEST); and

(4) The completion of a professional preparation program for the Special Teaching Authorization in Health accredited by the Committee on Accreditation, including successful completion of at least six post–baccalaureate semester units (or nine quarter units) of coursework and at least fifteen clock hours of observation and forty–five clock hours of student teaching specifically designed to prepare nurses to teach health, and the recommendation of the college or university where the program was completed.

(d) Authorizations:

(1) The School Nurse Services Credential authorizes the holder to perform the services as specified in Education Code section 49426.

(2) The Special Teaching Authorization in Health authorizes the holder to teach classes in health in preschool, kindergarten, grades 1 to 12, inclusive and classes organized primarily for adults as specified in Education Code 44267.5(d).

(e) The period of validity is as follows:

(1) The Preliminary School Nurse Services Credential shall be issued for five years.

(2) The Professional Clear School Nurse Services Credential shall be valid for the length of time specified in Title 5 Section 80553.

(3) The Special Teaching Authorization in Health shall be valid as long as the prerequisite credential authorizing school nurse services is valid.

NOTE: Authority cited: Section 44252, Education Code. Reference: Section 44267.5, Education Code.

HISTORY

1. Amendment filed 7–25–83; effective thirtieth day thereafter (Register 83, No. 30).
2. Amendment of section heading and section filed 12–20–99; operative 1–19–2000 (Register 99, No. 52).

§ 80051. Services Credential with a Specialization in Health Services Other Than School Nurse.

A professional clear Health Services Credential shall be issued upon verification of the possession of a valid license, certificate, or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California. The professional clear Health Services Credential shall be dated per Title 5 Section 80553.

(a) The services under this section shall be limited to:

1. Physician (all specialties);
2. Dentist (all specialties);

3. Dental Hygienist; and

4. Optometrist.

NOTE: Authority cited: Sections 44225(b) and 44225(q), Education Code. Reference: Section 44267, Education Code.

HISTORY

1. Amendment of section heading, section and NOTE filed 12-10-98; operative 1-9-99 (Register 98, No. 50).

§ 80052. Authorization for Service.

The credential issued under Sections 80050 and 80051 shall authorize the holder to serve in the area designated on the credential in preschool, kindergarten, and grades one through twelve.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44267, Education Code.

§ 80053. Services Credential Authorizing Service as a Library Media Service Teacher.

(a) The minimum requirements for the professional clear Library Media Teacher Services Credential shall include all of the following:

(1) a baccalaureate degree from a regionally accredited institution of higher education;

(2) a valid basic California teaching credential as defined in Education Code Section 44203(c);

(3) completion of either A or B;

(A) A Commission-approved Library Media Teacher Services program; or

(B) Completion of an out-of-state Library Services program of at least 30 graduate semester units, approved by the appropriate state agency.

(4) passage of the California Basic Educational Skills Test as specified in Education Code section 44252(b).

(b) Authorization. The Library Media Teacher Services Credential authorizes the holder to instruct pupils in the choice and use of library materials; to plan and coordinate school library programs with the instructional programs of a school district; to select materials for school and district libraries; to coordinate or supervise library programs at the school, district or county level; to plan and conduct a course of instruction for those pupils who assist in the operation of school libraries; to supervise classified personnel assigned school library duties; and to develop procedures for and management of the school and district libraries.

(1) Holders of valid California teaching credentials based upon a baccalaureate degree who do not hold a credential authorizing services as a library media teacher may serve as library media teachers in public schools, provided that they are trained in their duties by a credentialed school library media teacher and supervised by an individual holding certification authorizing such supervision. Teachers employed to provide library services under this provision must, during the first year of service, either apply for the Library Media Teacher Services Emergency Permit and pursue enrollment in a Commission-accredited regional or distance-learning library media teacher services credential program, or submit to the county office of education a description of the factors that made it impossible to enroll in such a program. All teachers must obtain the Library Media Teacher Services Emergency Permit before the end of the second year of service under this provision.

(2) Nothing in this section shall be construed to preclude local governing boards from employing non-credentialed individuals to assist in the provision of library services, provided that the employment of non-credentialed personnel is not intended to supersede the requirement to include holders of the Library Media Teacher Services Credential or other credential authorizing library service pursuant to Education Code §44868 in the coordination and implementation of public school library programs. Services provided by non-credentialed personnel shall not include those activities requiring possession of a valid Library Media Teacher Services Credential, as specified in Subsection (b) of this section.

(c) The School Library Media Teacher Services Credential shall be issued on the basis of the completion of all requirements and shall be dated per Title 5 Section 80553.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44203(e), 44252(b) and (d), 44269 and 44868, Education Code.

HISTORY

1. Amendment filed 7-25-83; effective thirtieth day thereafter (Register 83, No. 30).
2. Amendment filed 6-14-90; operative 7-14-90 (Register 90, No. 33).
3. Amendment of subsections (a)-(a)(3) and (c) and amendment of NOTE filed 12-10-98; operative 1-9-99 (Register 98, No. 50).
4. Amendment of subsection (b), new subsections (b)(1) and (b)(2), and amendment of subsection (c) and NOTE filed 3-7-2000; operative 4-6-2000 (Register 2000, No. 10).

§ 80054. Services Credential with a Specialization in Administrative Services; Requirements.

(a) The minimum requirements for the preliminary Administrative Services Credential include (1) through (6).

(1) One of the following:

(A) a valid California teaching credential that requires a baccalaureate degree and a program of professional preparation, including student teaching or the equivalent; or

(B) a valid California designated subjects teaching credential provided the applicant also possesses a baccalaureate degree; or

(C) a valid California services credential in pupil personnel services, health services, library media teacher services, or clinical or rehabilitative services requiring a baccalaureate degree and a program of professional preparation, including field work or the equivalent;

(2) Completion of one of the following:

(A) a specialized and professional preparation program in administrative services taken in California and accredited by the Committee on Accreditation; or

(B) a professional preparation program in administrative services, including successful completion of a supervised field work or the equivalent, taken outside California that is comparable to a program accredited by the Committee on Accreditation. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed; or

(C) one-year internship program in administrative services accredited by the Committee on Accreditation;

(3) Passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252(b);

(4) Verification of one of the following:

(A) three years of successful, full-time teaching experience in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status; or

(B) three years of successful, full-time experience in the fields of pupil personnel, health, library media teacher, or clinical or rehabilitative services in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status;

(5) One of the following:

(A) verification of completion from a California preliminary administrative services program accredited by the Committee on Accreditation; or

(B) an individual who completed his or her professional preparation program outside of California as described in (a)(2)(B), may apply directly to the Commission for the preliminary Administrative Services Credential; and

(6) Verification of an offer of employment in a full- or part-time administrative position in a public school or private school of equivalent status.

(7) An individual who has completed requirements (1) through (5) but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary Administrative Services Credential and authorizes the holder to seek employment.

(b) A Preliminary Administrative Services Credential issued on the basis of the completion of all the requirements in subsection (a) shall be issued initially only until the date of expiration of the valid prerequisite credential, as defined in (a)(1) of this section but for not more than five years. A Preliminary Administrative Services Credential that expired in

less than five years shall be renewed until the date of expiration of the valid prerequisite credential, as defined in (a)(1) of this section but for not more than five years.

(c) A preliminary Administrative Services Credential authorizes the services specified in section 80054.5.

(d) The minimum requirements for the professional clear Administrative Services Credential shall include (1) through (4):

(1) Possession of a valid preliminary administrative services credential;

(2) Verification of two years of successful experience in a full-time administrative position in a California public school or California private school of equivalent status, while holding the preliminary administrative services credential;

(3) Completion of an individualized program of advanced administrative services preparation accredited by the Committee on Accreditation designed in cooperation with the employing agency and the college or university; and

(4) A recommendation from a California regionally accredited institution of higher education that has a professional clear administrative services program accredited by the Committee on Accreditation.

(e) A professional clear Administrative Services Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(f) A professional clear Administrative Services Credential authorizes the services specified in section 80054.5.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44252(b), 44270, 44270.1, 44372 and 44373, Education Code.

HISTORY

1. Amendment filed 2-7-80; effective thirtieth day thereafter (Register 80, No. 6).
2. Amendment of section heading, section and NOTE filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).
3. Amendment of subsection (a)(5)(A) filed 12-9-2002; operative 1-8-2002 (Register 2002, No. 50).

§ 80054.5. Services Credential with a Specialization in Administrative Services; Authorization.

(a) An individual must hold a Services Credential with a Specialization in Administrative Services to provide the services described below in grades twelve and below, including preschool, and in classes organized primarily for adults:

(1) evaluating quality and effectiveness of instructional services at the school site level,

(2) evaluation of certificated personnel employed at the school site level, with the exception of the site administrator, and

(3) student and employee discipline services of certificated personnel at the school site level as found in subsections (b)(3) and (4) of this section.

(b) The holder of a Services Credential with a Specialization in Administrative Services may provide the services described below in grades twelve and below, including preschool, and in classes organized primarily for adults.

(1) Development, coordination, and assessment of instructional programs;

(2) Evaluation of certificated and classified personnel;

(3) Student discipline, including but not limited to suspension and expulsion, pursuant to Article 1 of Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code commencing with Section 48900;

(4) Certificated and classified employee discipline, including but not limited to suspension, dismissal, and reinstatement, pursuant to Chapters 4 and 5 of Part 25 of Division 3 of the Education Code commencing with Section 44800;

(5) Supervision of certificated and classified personnel;

(6) Management of school site, district or county level fiscal services;

(7) Recruitment, employment, and assignment of certificated and classified personnel; and

(8) Development, coordination, and supervision of student support services including but not limited to extracurricular activities, pupil personnel services, health services, library services, and technology support services.

(c) Nothing in these regulations is intended to impinge upon the authority of the local governing board to authorize classified personnel to supervise other classified employees.

(d) Nothing in these regulations is intended to limit the employment and assignment authority of local governing boards under Education Code Sections 44270.2, 44065(d), 44069(c), 44834, or any other provision that may provide local discretion in the assignment of personnel.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44069, 44270.2, 48900 and 44834, Education Code.

HISTORY

1. New section filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).
2. New subsections (a)-(a)(3), subsection relettering and amendment of newly designated subsection (b) filed 12-23-2002; operative 1-22-2003 (Register 2002, No. 52).

§ 80055. Internship Credential.

An Internship Credential may be renewed for one year upon a showing that extenuating circumstances have prevented its completion within a two-year period. Such circumstances shall include, but not be limited to, illness, military service, and other factors not within control of the applicant.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44348 and 44456, Education Code.

HISTORY

1. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80055.1. Exchange Certificated Credential.

(a) Requirements. A school district governing board that proposes to employ an exchange certificated employee shall:

(1) Inform the applicant for the exchange position that an exchange certificated employee credential may be secured by submitting an application on the form prescribed by the Commission on Teacher Credentialing and personal identification cards, and

(2) Submit both (A) and (B) to the Commission:

(A) A statement verifying all of the following:

1. the position in which the governing board proposes to employ the applicant,

2. the dates of proposed employment,

3. facts showing that the applicant is an employee of a public school as required by Education Code Section 44853,

4. the district has given due consideration to the general qualifications and professional status of the proposed exchange employee as compared to the general qualifications and professional status of the employee to be exchanged, and

5. the district has official verification from the proper authorities mentioned in Education Code Section 44853 that the applicant is fit to perform the services required in the position.

(B) Submit to the Commission verification of passage of the California Basic Educational Skills Test (CBEST), as specified in Education Code Section 44252(b).

(b) Authorization for Service. This credential authorizes the holder to serve in a position requiring certification qualifications as specified on the credential in the school district proposing to employ the person.

(c) Term. This preliminary credential may be issued for a three-year period provided the exchange is maintained. An exemption of the CBEST shall be granted for up to one year. At the end of the assignment period, the exchange, with the consent of all parties, may be made complete and permanent provided that the governing board submits to the Commission facts showing that the holder meets all California minimum standards which would be required of an applicant for a regular credential authorizing that class or service.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44853 and 44830(*l*), Education Code.

HISTORY

1. Amendment and renumbering of Section 6670 in Part I to Section 80055.1 filed 3-8-78; effective thirtieth day thereafter (Register 78, No. 10).
2. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

3. Change without regulatory effect amending section and NOTE filed 12–16–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

§ 80055.2. Sojourn Certificated Employee Credential.

(a) Requirements. A sojourn certificated employee credential may be issued to a person meeting minimum requirements upon submission by a California school district governing board of a completed application to the Commission on Teacher Credentialing. A completed application shall include all of the following:

(1) All information required by the application form provided by the Commission on Teacher Credentialing, including two personal identification cards with legible fingerprints and the required application fee.

(2) Transcripts, certificates, or other reasonable evidence of all education above United States high school level or equivalent, and showing at least 90 semester units of collegiate level study or equivalent, and all teaching experience.

(3) Certification by the governing board that the applicant is a bilingual–biliterate teacher fluent both in English and in the target language and employed as required by Education Code Section 44856 during the calendar year immediately preceding the date of application.

(4) Certification by the governing board that the applicant will be employed by the school district in a teaching assignment authorized by a sojourn certificated employee credential and that the applicant has been informed in writing of his or her employment status and renewal requirements.

(5) A statement in writing and signed by the applicant verifying knowledge of the general requirements for a regular credential and agreeing to diligently pursue completion of the said requirements.

(6) Verification of the passage of the California Basic Educational Skills Test (CBEST), as specified in Education Code Section 44252(b).

(b) Authorization for Service. This credential authorizes the holder to provide bilingual instruction, foreign language instruction, or cultural enrichment in the elementary and/or secondary grades of the employing California public school district in the subjects in which the applicant is academically competent to teach.

(c) Term. This credential shall be issued initially for two years. It may be renewed one year at a time for no more than a total of five such one year renewals upon completion of renewal requirements.

(d) Renewal. The sojourn certificated employee credential may be renewed for the first time upon application filed prior to the expiration date and verification of completion during the life of the credential of at least 12 semester units or equivalent of college or university coursework applicable toward meeting regular credential requirements and, in addition, pass an assessment which will verify competency in language and culture as appropriate to the target language. For each successive one year renewal, completion of a minimum of six additional semester or equivalent units shall be verified. Each one year renewal shall require verification by the employing district of the continued need for the services of the sojourn certificated employee as required by Education Code Section 44856.

(e) Conversion to Regular Teaching Credential. Four years of successful classroom teaching on the basis of a sojourn certificated employee credential, as demonstrated by continual employment in the public schools, shall be accepted as equivalent to the professional preparation program required in Education Code Section 44259(c). When all other requirements of Education Code Section 44259 have been met, a professional clear teaching credential may be issued. If all requirements except the fifth year of study after completion of a baccalaureate degree have been met, a preliminary credential may be issued.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44856 and 44252, Education Code.

HISTORY

1. Renumbering of Section 6671 in Part I to Section 80055.2 and amendment filed 5–30–78; effective thirtieth day thereafter (Register 78, No. 22).
2. Change without regulatory effect amending section and NOTE filed 12–16–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

§ 80056. Methods for Obtaining a Credential; Completion of Approved Program or Its Equivalent; Reciprocity.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44320 and 44321, Education Code.

HISTORY

1. Renumbering from Section 80056 to Section 80406 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80057. Direct Application; When Permitted.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80057 to Section 80430 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80057.1. Subsumed Subjects Added as Supplementary Authorization.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44256, Education Code.

HISTORY

1. New section filed 5–7–79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No. 22).
3. Repealer of Section 80057.1 subsection (c) filed 6–20–80 as an emergency; designated effective 6–30–80 (Register 80, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10–28–80.
4. Certificate of Compliance including amendment filed 10–17–80 (Register 80, No. 42).
5. Renumbering and amendment of Section 80057.1 to Section 80089 filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).

§ 80057.5. Adding Supplementary Authorizations to Teaching Credentials Used Predominantly in Elementary Schools.

(a) The holder of a valid teaching credential specified in Education Code Section 44256(b) may have one or more of the subjects listed in subsection (c) added as a supplementary authorization. The candidate or an approved institution shall verify completion of either (1) or (2) below:

(1) 20 semester hours or 10 upper division semester hours of non–remedial collegiate course work in each subject from subsection (c) to be listed, or

(2) a collegiate major in a subject directly related to each subject from subsection (c) to be listed.

A "C" grade or above in any course used to meet the provisions of this section shall be required. Non–remedial coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

(b) Candidates seeking supplementary authorization in any language other than English shall, in addition to requirements specified in subsection (a), submit verification of having either (1), (2), (3), or (4) below:

[The next page is 424.5.]

(1) passed the oral language portion of the Bilingual Certificate of Competence Examination in the language to be listed on the credential. Such verification shall be in the form of a letter from any institution or other educational agency, approved by the Commission as an assessor agency for the Bilingual Certificate of Competence. Whenever a written assessment instrument for a language other than Spanish is not available, a panel may be used by assessor agencies to assess a candidate's knowledge of the target language competencies, in accordance with Commission guidelines regulating assessment for languages other than Spanish, or

(2) passed the speaking and listening sections of Test 6 of the Crosscultural Language and Academic Development/Billingual Crosscultural Language and Academic Development (CLAD/BCLAD) Examinations described in Section 80015.3 in the language to be listed on the credential; or

(3) oral proficiency in the language to be listed on the credential at a level equivalent to that of a person with a bachelor's degree with a major in that language. This level of proficiency shall be verified by a letter from the Chair of the Language Department of a regionally accredited four year college or university, or

(4) oral proficiency in the language to be listed on the credential at the level required to complete a Bilingual Emphasis or Bilingual Crosscultural Language and Academic Development (BCLAD) Emphasis Credential Program as verified by a letter from a person authorized to issue such verification by the college or university that offers such a program.

(c) The following subjects may be added as supplementary authorizations to a valid teaching credential specified in Education Code Section 44256(b):

(1) Agriculture, including at least one course in each of the following areas: animal science, plant science, and agricultural mechanics;

(2) Art, including at least one course in each of the following areas: drawing and painting, art history or appreciation, and crafts;

(3) Business, including at least one course in each of the following areas: business management, business marketing or introduction to business, computer concepts and applications, economics, business communications or business English, and accounting;

(4) Computer Concepts and Applications, including at least one course in each of the following areas:software evaluation and selection, hardware operation and functions, and classroom uses of computers;

(5) English, including at least one course in each of the following areas: grammar or language structure, composition, and literature;

(6) A Language Other Than English (Specify), including at least one course in the language covering each of the following areas: grammar, composition, conversation, and literature;

(7) Health Science, including at least one course in each of the following areas: substance abuse (including alcohol, drug, and tobacco), family life education (including human sexuality, HIV/AIDS, and sexually transmitted diseases), nutrition, comprehensive school health systems or programs, and health education theory, behavior, or foundations;

(8) Home Economics, including at least one course in each of the following areas: food and nutrition, clothing, child development, and family life and parenting;

(9) Industrial Arts, including at least one course in each of the following areas: drafting or graphic arts, woods or metals, and electricity or electronics;

(10) Mathematics, including at least one course in each of the following areas (all course work shall be at least at a level for which intermediate algebra is a prerequisite): algebra, geometry, and development of the real number system or introduction to mathematics; or three courses in calculus or other mathematics courses for which algebra and geometry are prerequisites;

(11) Music, including at least one course in each of the following areas: vocal music, instrumental music, music history or appreciation, and music theory;

(12) Physical Education, including at least one course in each of the following areas: team sports and games, fundamental and creative movement skills (such as dance and gymnastics), human movement, motor development, and/or motor learning, and individual, dual, nontraditional and global sports and games (such as aquatics, conditioning, and archery);

(13) Science, including at least one course in each of the following areas: biological sciences, chemistry, geosciences, and physics; and

(14) Social Science, including at least one course in each of the following areas: United States history, California history, world history, geography, and United States government.

(d) Home Economics Supplementary Authorizations must include a laboratory component in one of the listed subject areas. The course of study must cover both subject areas of food and nutrition but a single course may be used to meet the requirement. The course of study must cover both subject areas of family life and parenting, but a single course may be used to meet the requirement.

(e) Science Supplementary Authorizations Authorized by 80057.5((c)13) shall include a one–year sequence of courses in at least two of the listed subject areas. At least one course must include a laboratory component.

(f) A subject specified in subsection (c) and listed on a teaching credential specified in Education Code Section 44256(b) as a supplementary authorization shall authorize the teaching of courses related to that subject in departmentalized classes in grades 9 and below.

(g) Applicants who are progressing toward completion of supplementary authorization requirements as they existed on July 1, 1996, shall have until July 1, 1998, to apply for said authorizations.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44256(b), Education Code.

HISTORY

1. New section filed 3–26–81; effective thirtieth day thereafter (Register 81, No. 13).
2. Repealed by own terms effective 7–2–82 (Register 89, No. 9).
3. New section filed 12–9–88; operative 1–8–89 (Register 89, No. 9)
4. Editorial correction of Authority cite (Register 95, No. 9).
5. Amendment of section and Reference cite filed 3–9–95; operative 4–10–95 (Register 95, No. 10).
6. Amendment of subsections (c)(3), (c)(7)–(8) and (c)(12), new subsection (d), subsection relettering, and amendment of newly designated subsection (g) filed 10–29–96; operative 11–29–96 (Register 96, No. 44).

§ 80058. Methods for Adding Authorization to an Existing Credential Issued Under This Article.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256, 44259 and 44270, Education Code.

HISTORY

1. Renumbering from Section 80058 to Section 80499 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80058.1. Reissuance of Credentials, Certificates, or Permits Granted on Preliminary, Postponement, Emergency, or Clear Basis.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44344, Education Code.

HISTORY

1. Renumbering from Section 80058.1 to Section 80496 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80058.2. Continuance and Extension of Service.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44344, Education Code.

HISTORY

1. New section filed 11–29–78; effective thirtieth day thereafter (Register 78, No. 48).
2. Repealer filed 6–1–2004; operative 7–1–2004 (Register 2004, No. 23).

§ 80059. Fifth Year of Study.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80059 to subsections (a), (b) and (c) of Section 80424 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80060. Appeal from Institutional Failure to Approve.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80060 to subsection (d) of Section 80424 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80061. Requirements for Teaching in Special Centers.

Initial assignment to teach in a special center shall require one of the following: a Education Specialist Instruction Credential: Moderate/Severe Disabilities, a Special Education Specialist Instruction Credential authorizing the teaching of the Severely Handicapped, the Restricted Severely Handicapped Credential, the Life Development Center Instruction Permit, the Special Center Permit, or any other special education credential that, under previous laws and regulations, authorized teaching in programs for children who are severely handicapped as defined in Education Code Section 56030.5.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256(c), 44265, 56030.5, 56364 and 56364.5, Education Code.

HISTORY

1. New section filed 1-17-86; effective thirtieth day thereafter (Register 86, No. 3). For history of former section, see Register 82, No. 45.
2. Change without regulatory effect amending section and NOTE filed 12-16-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

§ 80061.1. Requirements for the Restricted Severely Handicapped Credential.

(a) The requirements for the Restricted Severely Handicapped Credential shall include all of the following:

(1) A baccalaureate or higher degree from an accredited institution;

(2) Possession of a Special Center Permit or other permit or credential which authorizes service in a Special Center;

(3) Three years of successful employment in a special center;

(4) Completion of a Commission-approved program for the Special Education Specialist Instruction Credential authorizing the teaching of the severely handicapped; and

(5) Verification of passage of the California Basic Education Skills Test as specified in Education Code Section 44252.

(b) Period of Validity. The Restricted Severely Handicapped Credential is valid for five years and may be renewed with verification of two years of successful experience in a Special Center during the valid period of the credential being renewed, and completion of six semester units of collegiate course work related to special eduction completed during the five year period of validity.

(c) Authorization. The Restricted Severely Handicapped Credential authorizes the instruction, guidance, and care of children in a special center and not in a special class as both are used in Article 4, Section 56364.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 56364.5, Education Code.

HISTORY

1. New section filed 1-17-86; effective thirtieth day thereafter (Register 86, No. 3).

§ 80061.2. Requirements for the Special Center Permit.

(a) The requirements for the Special Center Permit shall include all of the following:

(1) Possession of a permit which authorizes service in a Special Center;

(2) A minimum of two (2) years of successful full-time teaching experience in a position requiring the Special Center Permit;

(3) Sixty semester hours of college course work including eight semester hours selected from the following fields: specialized preparation to serve as a teacher of exceptional children, nursery education, early childhood education or child development. An applicant who has not completed the 60 semester hours of college work at the time his or her provisional permit expires has the right of appeal pursuant to Sections 80505-80522.

(b) Requirements for the renewal of the Special Center Permit shall include all of the following:

(1) Verification of two years of successful experience in a special center during the valid period of the permit;

(2) Verification of either of the following:

(A) Completion of nine semester units of collegiate course work leading to a degree and/or a credential; or

(B) Completion of an individualized program of staff development totaling not less than 150 clock hours. The individualized program will be signed by the applicants and the site administrator. Verification of completion will be in the form of a letter from the site administrator;

(3) Submission of an application form, verification of (b)(1) and (b)(2) above, and the fee as specified in Section 80487;

(c) Period of Validity:

The Special Center Permit is valid for five years and may be renewed as specified in subsection (b);

(d) Authorization:

The Special Center Permit authorizes the instruction guidance and care of children in a Special Center as defined in Education Code Sections 56364 and 56030.5.

NOTE: Authority cited: Sections 44225(b) and 56364.5, Education Code. Reference: Sections 56030.5 and 56364, Education Code.

HISTORY

1. New section filed 1-17-86; effective thirtieth day thereafter (Register 86, No. 3).

§ 80062. Direct Application for Preliminary Specialist Instruction Credential on or Before December 31, 1976, Based upon Experience.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44347, and 44348, Education Code.

HISTORY

1. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80063. Direct Application for Clear Specialist Instruction Credentials.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44274, Education Code.

HISTORY

1. Amendment of first paragraph filed 5-4-79; designated effective 6-4-79 (Register 79, No. 18).
2. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80064. Specific Requirements for the Specialist Instruction Credential in Special Education with an Authorization to Teach Either the Learning Handicapped or the Severely Handicapped.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44274, Education Code.

HISTORY

1. New subsection (c) filed 5-4-79; designated effective 6-4-79 (Register 79, No. 18).
2. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80065. Specific Requirements for/and the Authorization of the Language Development Specialist Certificate.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44475-44479 and 44481, Education Code.

HISTORY

1. New section filed 9-30-85; effective thirtieth day thereafter (Register 85, No. 40). For history of former Section 80065, see Register 81, No. 13.
2. Amendment filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Change without regulatory effect repealing section filed 5-22-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 21).

§ 80065.1. Examination for the Language Development Specialist Certificate.

NOTE: Authority cited: Sections 44475 and 52135, Education Code. Reference: Sections 44475–44479, 44481, 52130, 52131, 52134 and Section 52163, Education Code.

HISTORY

1. New section filed 9–30–85; effective thirtieth day thereafter (Register 85, No. 40). For history of former Section 80065.1, see Registers 82, No. 45, and 80, No. 9.
2. Change without regulatory effect repealing section filed 5–22–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 21).

§ 80066. Specific Requirements for the Professional Clear Reading and Language Arts Specialist Credential.

(a) The minimum requirements for the professional clear Reading and Language Arts Specialist Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid basic California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Reading and Language Arts Specialist Credential, including successful completion of supervised student teaching; and

(3) the recommendation from a regionally accredited institution of higher education that has a Reading and Language Arts Specialist program accredited by the Committee on Accreditation.

(b) The minimum requirements for the professional clear Reading and Language Arts Specialist Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Reading and Language Arts Specialist Credential under this section:

(1) possession of a valid basic California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Reading and Language Arts Specialist Credential, including successful completion of supervised student teaching, but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) The professional clear Reading and Language Arts Specialist Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) The Reading and Language Arts Specialist Credential authorizes the holder to assist and support the classroom teacher in reading instruction and teaching strategies, select and adapt reading instruction materials, plan and conduct reading staff development, assess student progress and monitor student achievement in reading, provide direct reading intervention work with students, and develop and coordinate reading programs at the school site, school district, or county level in grades twelve and below, including preschool, and in classes organized primarily for adults.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44203(e), 44225(d), 44225(e) and 44265, Education Code.

HISTORY

1. New section filed 5–23–2000; operative 6–22–2000 (Register 2000, No. 21). For prior history, see Register 81, No. 13.

§ 80067. Specific Requirements for the Professional Clear Early Childhood Education Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Early Childhood Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid California Multiple Subject, Standard Elementary or General Elementary Teaching Credential;

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Early Childhood Education Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Early Childhood Education Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Early Childhood Education Specialist Instruction Credential under this section:

(1) possession of a valid California Multiple Subject, Standard Elementary or General Elementary Teaching Credential; and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Early Childhood Education Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Early Childhood Education Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Early Childhood Education Specialist Instruction Credential authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development including age appropriate teaching methodologies for child development programs and early childhood education programs in grades three and below which are coordinated by school districts or county offices of education. This credential also authorizes teaching courses in child development in grades twelve and below and in classes organized primarily for adults.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 4225(b) and (e), 44256(c) and 44265, Education Code.

HISTORY

1. Amendment of section heading and new section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

§ 80068. Specific Requirements for the Professional Clear Agriculture Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Agriculture Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid California Single Subject Teaching Credential in Agriculture, Standard Secondary Teaching Credential in Agriculture Science or Special Secondary Credential in Vocational Agriculture;

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Agriculture Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Agriculture Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Agriculture Specialist Instruction Credential under this section:

(1) possession of a valid California Single Subject Teaching Credential in Agriculture, Standard Secondary Teaching Credential in Agriculture Science or Special Secondary Credential in Vocational Agriculture; and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Agriculture Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but are taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Agriculture Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Agriculture Specialist Instruction Credential authorizes the holder to teach agriculture in grades twelve and below, including preschool, and in classes organized primarily for adults. This credential also authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for agriculture education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

HISTORY

1. Amendment of section heading and new section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

§ 80069. Specific Requirements for the Professional Clear Health Science Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Health Science Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Health Science Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Health Science Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Health Science Specialist Instruction Credential under this section:

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Health Science Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but are taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Health Science Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Health Science Specialist Instruction Credential authorizes the holder to teach health science in grades twelve and below, including preschool, and in classes organized primarily for adults. This credential also authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for health science education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

HISTORY

1. Amendment of section heading and new section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

§ 80069.1. Specific Requirements for the Professional Clear Gifted Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Gifted Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Gifted Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Gifted Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Gifted Specialist Instruction Credential under this section:

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Gifted Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but are taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Gifted Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Gifted Specialist Instruction Credential authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for agriculture education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

HISTORY

1. New section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51).

§ 80070. Specific Requirements for the Professional Clear Mathematics Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Mathematics Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid basic California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Mathematics Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Mathematics Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Mathematics Specialist Instruction Credential under this section:

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Mathematics Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Mathematics Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Mathematics Specialist Instruction Credential authorizes the holder to teach mathematics in grades twelve and below, including preschool, and in classes organized primarily for adults. This credential also authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for mathematics education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

HISTORY

1. Amendment of section heading and new section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

§ 80070.1. The Resource Specialist Certificate of Competence: Definition and Terms.

(a) "Resource Specialist" as used in Section 80070.2(a)(2) is a person who provided instruction and services as specified in subdivision (a)(1)–(5) below for two years prior to September 1, 1981; or provided instruction and services as specified in subdivision (b)(1)–(6) of Section 80070.2, for two years prior to June 30, 1983, including:

(1) Providing instruction and services for pupils whose needs were identified in a written individualized education program developed by a school appraisal team or an educational assessment service and who were assigned to regular classroom teachers for a majority of a school day.

(2) Providing information and assistance to individuals with exceptional needs and their parents.

(3) Providing consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members.

(4) Coordinating the special education services provided each individual with exceptional needs served through the resource specialist program.

(5) Assessing pupil progress on a regular basis and revising individualized education programs, as appropriate, and referring pupils who did not indicate appropriate progress to the educational assessment service.

[The next page is 425.]

(b) "Special Education Credential" means a credential that specifically authorizes the teaching of pupils with exceptional needs, including, but not limited to, the communicatively handicapped, physically handicapped, learning handicapped, severely handicapped, visually handicapped, and orthopedically handicapped.

(c) "Three or more years of teaching experience, including both regular and special education teaching experience" means full-time experience in one or more of the combinations specified in (1) through (6) below.

The minimum amount of regular classroom teaching experience required is one semester of student teaching. Various other regular classroom teaching experiences may be substituted. These may include such experience as summer school teaching in a regular classroom, or organized inservice programs designed to provide teaching experience with regular classroom students, conducted by a school district, county office, or special education service region, and included in that agency's comprehensive local plan, approved by the State Department of Education.

(1) One year of regular classroom teaching experience and two years of special education classroom teaching experience, or

(2) One year of special education classroom teaching experience and two years of regular classroom teaching experience, or

(3) Two and one-half years of regular classroom teaching experience and one semester or two quarters of full-time special education classroom teaching or student teaching, or

(4) Two and one-half years of special education classroom teaching experience and one semester or two quarters of full-time regular classroom teaching or student teaching, or

(5) Two years of regular classroom teaching experience and two semesters or three quarters of full-time special education classroom teaching or student teaching, or

(6) Two years of special education classroom teaching experience and two semesters or three quarters of full-time regular classroom teaching or student teaching.

(d) "Local plan" means a plan which meets the requirements of Chapter 3 (commencing with Education Code Section 56200) and which is submitted by a school district, special education service region, or county office.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56170, 56362, 56362.5 and 56027, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Sections 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Amendment of subsection (a) filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).

§ 80070.2. The Clear Resource Specialist Certificate of Competence on Direct Application.

(a) Requirements.

(1) Possession of a valid special education credential other than an emergency credential.

(2) Provided instruction and services as described in (A) or (B).

(A) Provided instruction and services as specified in Section 80070.1, subdivision (a) (1)-(5), for two years prior to September 1, 1981; or

(B) Provided instruction and services as specified in subdivision (b) (1)-(6) below for two years prior to June 30, 1983.

Experience shall be verified, on forms provided by the Commission, by the appropriate administrative official of the district, special education services region or county office.

(3) Submission of a completed credential application form; verification of experience; and the fee as specified in Section 80487.

(b) Authorization.

(1) Provide instruction and services for pupils whose needs have been identified in an individualized education program developed by the individualized education program team and who are assigned to regular classroom teachers for a majority of a school day.

(2) Provide information and assistance to individuals with exceptional needs and to their parents.

(3) Provide consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members.

(4) Coordinate special education services with the regular school programs for each individual with exceptional needs enrolled in the resource specialist program.

(5) Monitor pupil progress on a regular basis, participate in the review and revision of individualized education programs, as appropriate, and refer pupils who do not demonstrate appropriate progress to the individualized education program team.

(6) Emphasize, at the secondary school level, academic achievement, career and vocational development, and preparation for adult life.

(c) Term. A clear Resource Specialist Certificate of Competence authorizes service only if a valid special education credential, other than an emergency credential, is held concurrently.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Amendment of subsection (a) filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).

§ 80070.3. The Preliminary Resource Specialist Certificate of Competence on Direct Application.

(a) Requirements.

(1) Possession of a valid Special Education Credential other than an Emergency Credential.

(2) Verification of three or more years of teaching experience.

Experience shall be verified by the appropriate administrative official of the district, special education services region, or county office at which the experience took place.

(3) A written statement verifying that the candidate, if granted the Preliminary Resource Specialist Certificate of Competence, will be employed as a Resource Specialist.

The written statement of employment shall be completed and signed by the appropriate administrative official of the employing district, special education services region, or county office operating "local plans" pursuant to Education Code Section 56200, and shall include a statement indicating that the candidate shall engage in a course of study at an institution of higher education approved by the Commission, or in an approved program of inservice, as described in the local district's, special education service region's, or county office's approved comprehensive plan, designed to provide the skills/knowledge/experience required to qualify for the clear Certificate of Competence as described in Section 80070.8.

(4) Submission of a completed credential application form; verification of experience; statement of employment; and the fee as specified in Section 80487.

(b) Authorization. The Preliminary Resource Specialist Certificate of Competence shall authorize the same services as the Clear Resource Specialist Certificate of Competence as specified in Section 80070.2(b). Such services shall be restricted to the employing district, special education services region, or county office.

(c) Term and Renewal. The Preliminary Resource Specialist Certificate of Competence authorizes service only if a valid special education credential, other than an emergency credential, is held concurrently, but not to exceed three years. Where the valid Special Education Credential

requires renewal, within the three-year issuance of the Preliminary, the Preliminary authorization will be continued only until the initial three-year period is completed.

The Preliminary Resource Specialist Certificate of Competence is not renewable.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 80070.4. The Clear Resource Specialist Certificate of Competence Issued on the Recommendation of an Institution of Higher Education with a Commission-Approved Resource Specialist Certificate of Competence Program.

(a) Requirements.

(1) Possession of a valid Special Education Credential as defined in Section 80070.1(b).

(2) Verification of three or more years of teaching experience, including both regular and special education teaching experience, as defined in Section 80070.1(c).

Experience shall be verified by the appropriate administrative official of the district, special education services region, or county office in which the experience took place.

(3) Completion of a Commission-Approved Resource Specialist Certificate of Competence program as specified in Section 80070.5.

(4) Submission of a completed application form, including recommendation by the institution; verification of experience; and the fee as specified in Section 80487.

(b) Authorization. The Clear Resource Specialist Certificate of Competence authorizes the service specified in Section 80070.2(b).

(c) Term. A Clear Resource Specialist Certificate of Competence authorizes service only if a valid Special Education Credential, other than an Emergency Credential, is held concurrently.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362, 56362.5, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 80070.5. Requirements for Developing, Evaluating and Approving Professional Preparation Programs for the Resource Specialist Certificate of Competence.

Institutions of higher education will submit the following information for the review and approval of a professional preparation programs for the Resource Specialist Certificate of Competence.

(a) A statement of intent signed by the dean or department chairperson verifying that the institution has an approved program for one or more special education specialist authorizations, and listing the contact person responsible for the program and the expected date of initiation of the program.

(b) A statement from the chief administrative officer of the institution, indicating that the program has full institutional support and approval and the identification of all sites, including the main campus where the program will be operated.

(c) Verification by the dean of the school of education of the following:

(1) Designation of the faculty member with assigned responsibility for the program.

(2) Budgeting and other resources allocated to the program in accordance with normal institutional procedures for such allocation.

(3) Involvement in the development of the program by constituents to include but not be limited to practitioners in special education and non-educator members of the public, including representatives from the minority communities served by the institution.

(4) A statement from practitioners in special education attesting to the approval of the program's objectives.

(5) That the requirements for admission to the program are equivalent to requirements for other areas of professional study at the institution.

(6) That the program will include field study, with special education and regular classroom pupils.

(7) That the institution shall continually update and upgrade the program, as necessary, to insure that graduates will have the skills and knowledge necessary for entry into the resource specialist field.

(8) That the institution will collect and analyze, on an annual basis, data related to employment of graduates, including any programmatic implications, obtained from the following:

(A) Number of new students enrolled in the program.

(B) Number of continuing students.

(C) Number of graduates.

(D) Number of graduates employed in the certificate area.

(9) That the institution will survey, on an annual basis, school districts and other agencies or groups expected to utilize the services of graduates of the program to determine what skills and knowledge and performance competencies are deemed necessary to function effectively as a Resource Specialist.

(d) Verification by the dean of the school of education, or the faculty member with assigned responsibility, that the program is designed to develop the skills, knowledge and performance competencies as described in Section 80070.8, and that such skills, knowledge and performance competencies can be readily validated by practitioners, based on the requirements for service in the certificate area.

(e) A description of the process by which candidates shall be determined to have met the requirements of the Commission and the objectives and requirements of the program itself. Such specification shall include, but not be limited to, the following:

(1) A description of the evaluation system, including sample instruments and criteria.

(2) Identification of who will conduct the candidate's final evaluation.

(3) Identification as to the person(s) making the final determination as to whether the candidate is or is not to be recommended for the certificate.

(f) A description of the process to determine the ability of graduates to effectively demonstrate the competencies listed in Section 80070.8. Such description shall include, but not be limited to, the following:

(1) Assurance that graduates will be surveyed at least one year after leaving the program.

(2) The identification of the job function of those to be included in the follow-up evaluations.

(3) The identification of those faculty, practitioners, graduates and employers who will participate in the review and interpretation of the data.

(4) Samples of instruments to be used.

(5) The process by which the results of the follow-up evaluation is fed back into the program's objectives and processes.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 80070.6. The Clear Resource Specialist Certificate of Competence Issued on Recommendation of a School District, County Office, or Special Education Service Region with a Comprehensive "Local Plan" and Approved by the Commission to Assess and Recommend for the Resource Specialist Certificate of Competence.

(a) Requirements.

(1) Possession of a valid Special Education Credential as defined in Section 80070.1(b).

(2) Verification of three or more years of teaching experience, including both regular and special education teaching experience, as defined in Section 80070.1(c).

(3) Verification by the director of the school district, county office, or special education service region with a comprehensive "local plan" and approved by the Commission to assess and recommend for the Resource Specialist Certificate of Competence, that the applicant has successfully demonstrated all competencies described in Section 80070.8.

(4) Submission of a completed application; written verification that the candidate has successfully demonstrated all competencies described in Section 80070.8; and the fee as specified in Section 80487.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8–7–80 as an emergency; designated effective 9–5–80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–5–81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6–3–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 80070.7. Requirements for a School District, County Office or Special Education Service Region with a Comprehensive "Local Plan" to Assess and Recommend for the Resource Specialist Certificate of Competence.

(a) The Commission will review assessment plans submitted by a school district, county office, or special education service region with a comprehensive "local plan" and will reserve the right to approve; to not approve; or to solicit additional information or clarification relating to those plans. The "local plans" may include provision for a program designed to provide experience with regular classroom students to teachers who lack this experience.

(b) The Commission will reserve the right to monitor, in cooperation with the State Department of Education, the implementation of those plans and to withdraw approval whenever evidence indicates that the plan is not being implemented as proposed.

(c) To the extent possible, the Commission will consolidate efforts initiated under Sections 80070.7(a) and (b), with existing state application processes and program monitoring plans.

(d) Each assessment plan submitted by a school district, county office, or special education service region with a comprehensive "local plan," shall include, but not be limited to, all of the following components.

(1) A brief description of the process that will be used to assess the competencies listed in Section 80070.8 through such procedures as observation of performance and an oral interview, or written examination and oral interview, or oral interview. The panel shall be constituted as specified in (4) below.

(2) A copy of the form that will be used and a description of the procedures that will be followed in assessing the competencies listed in Section 80070.8 on the basis of the candidate's performance, if applicable.

(3) A copy of the written examination, if applicable, that will be used in assessing the competencies listed in Section 80070.8.

(4) A listing of prospective panel members that include representation from the following constituents, with a majority of the panel members not employed by the service region, school district, special education services region, or county office with a comprehensive "local plan."

(A) A Special Education college or university faculty member.

(B) A Resource Specialist.

(C) A Program Specialist or Special Education Program Director/Coordinator, or a school–site administrator who has had responsibility for administering a Special Education Program.

(D) A regular classroom teacher.

(E) A parent of a special education child.

(5) A copy of the forms and materials that will be used by the panel to assess the competencies listed in Section 80070.8.

(6) A description of the training that will be provided all panel members prior to the assessment of candidates.

(7) A description of the procedures and criteria that will be used to provide each candidate with a diagnostic report of the assessment which clearly identifies strength and/or weakness in the candidate's competencies in the functions listed in Section 80070.8.

(8) A description of the length of time proposed for each individual assessment, the frequency of administration proposed, and the charge to the candidate.

(9) A description of the process for informing candidates of the procedure for appeal.

(10) A description of the system that will be utilized to gather, analyze and store data pertaining to the implementation of the assessment plan.

(11) A description of the follow–up process to determine the ability of persons assessed and recommended to effectively demonstrate the competencies listed in Section 80070.8 as they function as a Resource Specialist.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8–7–80 as an emergency; designated effective 9–5–80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–5–81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6–3–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 80070.8. The Candidate for the Resource Specialist Certificate Shall Demonstrate the Skills, Knowledge and Performance Competencies Identified for Each of the Following Functions.

(a) The Consulting Function.

(1) Provide consultant services to regular classroom teachers in the identification and assessment of learning and behavioral patterns in pupils.

(2) Consultation and assistance in the utilization of evaluation data for the modification of instruction and curriculum.

(3) Provide consultation services in the application of classroom management techniques.

(4) Provide consultant services as to resources appropriate to individuals with exceptional needs to regular staff members, parents and guardians.

(5) Consult in the development of pre–vocational and/or vocational plans for individuals with exceptional needs.

(6) Consult with regular classroom teachers and students as to their acceptance of students with exceptional needs.

(b) The Coordination Function.

(1) Coordinate referral and assessment procedures.

(2) Assist in the coordination of the Individualized Education Program Team meeting.

(3) Coordinate instructional planning; i.e., the development and implementation of Individualized Educational Programs for individuals with exceptional needs.

(4) Coordinate the implementation of special education services provided individuals with exceptional needs.

(5) Assist in the coordination of Designated Instruction and Services.

(6) Coordinate the collection of relevant information for those students referred to the Individualized Education Program Team.

(7) Coordinate the organization and distribution of special education media and materials for both resource and regular classrooms.

(8) Coordinate individualized instruction and activities of the Resource Specialist Program with regular classroom curriculum.

(9) Coordinate special education inservice workshops and workshops for staff and/or parents.

(10) Coordinate follow-up activities to insure service delivery to all individuals with exceptional needs.

(c) Functions Related to the Implementation of Laws, Regulations and Other Compliance Requirements.

(1) Schedule and monitor Referral Procedures in accordance with legal requirements.

(2) Monitor the development of Individualized Educational Programs, and conduct review meetings in accordance with legal requirements.

(3) Process all information leading to approval of services by child's parent or guardian.

(4) Provide leadership for assuring full compliance with legal requirements.

(d) Staff Development and Inservice Education Function.

(1) The utilization of systematic observations for referral to the Individualized Education Program.

(2) The understanding and interpretation of appropriate assessment tools.

(3) The selection and modification of appropriate instructional methods and materials.

(4) The application of classroom environment and behavior management techniques.

(5) The enhancement of social and emotional development of exceptional individuals within the educational environment of the regular classroom.

(e) Skills Related to the Parent Education Function.

(1) Provide parents with basic knowledge of assessment procedures and instrumentations, and how to utilize the information.

(2) Provide parents with basic understanding of remedial methods and techniques as they relate to their own child's program.

(3) Provide parents with basic home enrichment and home management techniques designed to meet the needs of their child.

(4) Counsel parents in areas related to their child's abilities, including strengths and weaknesses; as well as to the child's needs and goals, including career and vocational planning alternatives.

(5) Provide parents with information as to effective utilization of community resources.

(6) Assist in planning of parent education workshops.

(f) The Instructional Function:

Instructional competencies are already satisfied through the possession of a Basic Teaching Credential and/or a Special Education Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

Article 3. Examinations and Subject Matter Programs

§ 80071. Qualification by Examination for Issuance of Credential.

(a) Every applicant who seeks to satisfy a credential, certificate, permit, or waiver requirement by examination must meet the passing score requirement(s) established by the Commission that were in effect at the time the examination was taken. A list of the adopted examinations and passing score requirements will be made available upon request to the Commission.

(b) For each examination score used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver, there can be no more than five years between (1) the date the score was earned and (2) the issuance date of the credential, certificate, permit, or waiver for which the examination score is used.

(c) For purposes of this section, the Video Performance Assessment of the Reading Instruction Competence Assessment, described in Education Code §44283, is considered an examination.

(d) Once an examination score has been used to satisfy a California certification requirement, it may be used to satisfy a requirement of another certification document regardless of the five-year limit described in subsection (b) if the score satisfies the passing score requirement for the new document.

(e) The five-year limit described in subsection (b) shall not apply to scores on examinations used to 1) verify knowledge of the Constitution of the United States, as specified in Education Code §44335; 2) grant credit by an institution of higher education; or 3) verify experience learning a second language required for the Crosscultural, Language and Academic Development Certificate, as specified in Section 80015 of the Title 5 Regulations. The five-year limit on scores described in subsection (b) shall not apply to any examination that is exempt from this requirement by statute or regulation.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d), 44252, 44253.3, 44280, 44283, 44289 and 44335, Education Code.

HISTORY

1. Amendment and renumbering of Part I, Division 7, Subchapter 17, Article 3 (Sections 5941-5957) to Part VIII, Chapter 1, Article 3 (Sections 80071-80094), filed 12-16-77; effective thirtieth day thereafter (Register 77, No. 51). For prior history see Registers 77, No. 33 and No. 9; Register 76, No. 17; Register 75, No. 44; and Register 73, No. 26.
2. Amendment filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
3. Amendment filed 4-17-81; effective thirtieth day thereafter (Register 81, No. 16).
4. Amendment of article heading, section and NOTE filed 1-10-2000; operative 2-9-2000 (Register 2000, No. 2).

§ 80071.1. Oral Proficiency Examinations for Single Subject Language Authorization.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80071.2. Writing Proficiency Examination for Single Subject English Language Authorization.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80071.3. English Writing Proficiency Examination for Candidates Without College Recommendations.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Renumbering and amendment of Section 80071.3 to 80078 filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80071.4. Basic Skills Examination.

(a) After January 31, 1983, every applicant for a credential, permit or certificate, or for the renewal of an emergency permit shall be required

to have obtained a passing score on the California Basic Educational Skills Test (CBEST). The test is not required to renew, reissue or upgrade a credential, certificate or permit except when upgrading a permit would require a baccalaureate degree.

(b) Pursuant to Education Code Sections 44252(b) and (d) applicants for the following credentials, permits, or certificates are exempt from this requirement:

(1) a credential to be issued solely for teaching adults in an apprenticeship program;

(2) a credential for an adult education designated subject other than an academic subject; and

(3) a certificate of clearance;

(4) a children's center permit or a permit authorizing service in a special center for the handicapped, when a baccalaureate degree is not required;

(5) a credential, certificate, or permit for an additional teaching authorization when the applicant holds a non-emergency credential, certificate or permit that requires a baccalaureate degree and authorizes teaching;

(6) a health services credential;

(7) a Designated Subjects Vocational Education Teaching Credential.

(8) any Designated Subjects Special Subjects Credential for which a baccalaureate degree is not required.

(c) Pursuant to Education Code Section 44252(b)(3), a school district can request a one year non-renewable credential for an individual who they wish to employ and who has not yet passed the CBEST.

(1) The applicant for the one year non-renewable credential shall satisfy all of the following:

(A) either 1. or 2. below:

1. completed an out-of-state professional preparation program for a credential comparable to the California credential requested; or

2. completed a California approved professional preparation program for the requested credential prior to February 1, 1983 and has resided outside of California for the year immediately preceding application for the one year non-renewable emergency credential.

(B) and all minimum requirements for the California credential requested except for the CBEST requirement; and

(C) a basic skills test developed and administered by the employing school district.

(d) Applicants for an exchange certificated employee credential can be issued a one-year preliminary credential pending the passage of the CBEST.

(e) An applicant for any credential needing the CBEST shall be required to have passed it only once, regardless of the time that has elapsed between the date of passing the test and the date of the application.

(f) The Commission will establish the schedule of test administrations no less than four months prior to the beginning of the next fiscal year, and will publicize the schedule by all reasonable means as quickly as practicable.

(g) The Commission will arrange for a special administration of the test in the event that an emergency occurs. An emergency for this purpose is a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that cannot be accommodated because of the special and unique staff recruitment problems with which a school district or group of districts is faced.

The special administration will be scheduled by the Commission as soon as possible, consistent with the district's schedule for compliance with the requirements of sections 80071.4(h)(1)(B), (h)(1)(C), and (h)(2)(C) below, except that no special administration will be scheduled in the period three calendar weeks before a scheduled regular administration. No special administration will be scheduled without reasonable assurance that at least forty people will actually register and take the test at the special administration. Two or more districts or counties may jointly participate in a single administration provided each can satisfy the requirements specified in Section 80071.4(h).

(h) The written request for a special administration must include a copy of relevant sections of the official minutes of the district or county governing board and documentation by the superintendent of the specific facts of the emergency.

(1) The minutes of the governing board meeting must show that the board accepts the following conditions:

(A) An emergency as defined in subsection (g) exists and is unavoidable.

(B) District or county staff will assist in locating or providing space for the special administration and in the identification of qualified examination proctors, if such assistance is requested by the Commission or its designated agent;

(C) District or county staff will provide administrative support in accomplishing the registration process in a manner that will be consistent with the CBEST registration and reporting system;

(D) The district agrees to pay the full fee required for testing forty persons, even if fewer than forty actually take the test at a special administration.

(E) The district or county agrees not to require that the people taking the test pay any of the excess administrative cost incurred by the district or county.

(2) The superintendent of the district or county shall provide the following information as part of the written request:

(A) A detailed statement on the cause of the emergency and the reasons it could not have been anticipated in time to make use of the most recent previous regular administration;

(B) Documentation on the numbers of substitute or contract teachers needed, the total number of teachers on contract in the district or county, or the average daily number of substitutes used in the preceding year as appropriate to the definition of an emergency cited in the governing board minutes;

(C) A description of the plans for publicizing the special administration to insure that it will be maximally effective in attracting people not previously tested who can meet the emergency needs of the district or county;

(D) A definitive statement about whether admission to the special administration will be limited to people who are potential employees of the district or county requesting the special administration, or will be open to anyone who wishes to take the test;

(E) Designation of the county or district having primary responsibility for administrative arrangements for the special administration, in the event that two or more counties or districts are participating jointly in the special administration.

(i) No special administration will be scheduled for a college or university.

(j) There will be no limit on the number of times a person may take the entire test or sections of the test. Section(s) of the test that have been passed need not be repeated, but no person taking the test may omit any section that has not been passed. The test fee for repeating the test will be as specified in Section 80487(a)(5) of these regulations.

(k) In determining whether a person has passed the test, the highest score obtained on any section of the test at any administration will be used without regard to the length of time that has elapsed since the score was obtained.

(*l*) All credential program applicants shall take the CBEST for diagnostic purposes no later than the deadline for submission of his/her application for admission to the credential program unless the applicant is exempt from the CBEST for the credential.

(m) An individual credential applicant who already holds a valid non-emergency teaching credential that requires a baccalaureate degree and is seeking an additional teaching authorization is exempt from the provisions of subsection (l).

(n) The Commission will not consider appeals by credential applicants who have failed to achieve the passing standard established by the Commission at the time the CBEST has been most recently attempted.

(o) The Commission will issue annually a report on the passing rates of various groups on the CBEST, including passing rates by institution attended.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44252.5, 44203 and 44830, Education Code.

HISTORY

1. New section filed 9-30-82 as an emergency; designated effective 1-1-83 (Register 82, No. 41).
2. Order of Repeal of 9-30-82 emergency order filed 10-7-82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 41).
3. New section filed 11-10-82 as an emergency; effective upon filing (Register 82, No. 48). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-10-83.
4. Certificate of Compliance including amendments transmitted to OAL 3-8-83 and filed 3-15-83 (Register 83, No. 12).
5. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).
6. Amendment filed 12-10-86; effective thirtieth day thereafter (Register 86, No. 50).
7. Amendment of subsection (c)(1)(A) filed 3-17-89; operative 4-16-89 (Register 89, No. 12).
8. Change without regulatory effect amending subsections (a) and (c), repealing subsections (c)(1)-(c)(1)(D), renumbering subsections, and amending newly designated subsections (c)(1)-(c)(1)(C) filed 12-2-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 49).
9. Amendment of subsection (o) filed 4-21-2000; operative 5-21-2000 (Register 2000, No. 16).

§ 80071.5. Reading Instruction Competence Assessment.

Every applicant for an initial Multiple Subject Teaching Credential on or after October 1, 1998, or an initial Education Specialist Instruction Credential on or after January 1, 2000, shall be required to obtain a passing score on the Reading Instruction Competence Assessment (RICA) with the following exceptions:

(a) Applicants applying for a document exempt by Education Code 44283.2(b).

(b) Applicants applying for a one-year nonrenewable or a two-year preliminary teaching credential based on 1) a teacher education program including student teaching obtained outside of California and 2) a baccalaureate degree. These applicants must pass the RICA prior to renewing the two-year preliminary unless exempt by §80071.5(c) or (d).

(c) Applicants holding a valid California teaching credential based on a baccalaureate degree and a teacher education program including student teaching, other than those applicants renewing the credentials described in (b) to either the three-year preliminary credential or, if the three-year preliminary credential is not requested, the professional clear credential.

(d) Applicants holding a valid teaching credential from another state, with a comparable authorization to the credential sought.

(e) Applicants applying for an internship credential based on Education Code §44452. These applicants must pass the RICA prior to obtaining a preliminary or professional clear credential of the same type, unless exempt by §80071.5(c) or (d).

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44252(b)(3), 44253, 44283, 44283.2 and 44452, Education Code.

HISTORY

1. New section filed 6-21-2000; operative 7-21-2000 (Register 2000, No. 25).

§ 80072. Appeal upon Failure to Pass Subject Matter Examination.

The Commission will consider appeals presented in writing by applicants who have failed to attain the passing score standard established by the Commission when the appellant can verify evidence of meeting the following appeal standards:

(a) Within 30 days after a score report for a written examination has been received for any certificate or credential issued by the Commission, an unsuccessful applicant may file a petition of appeal with the Executive Secretary on the grounds of fraud, discrimination, or clerical error in scoring, or other grounds of extraordinary improper acts or circumstances which were reported to the test supervisor at the time of the administration of the examination and which a reasonable person could agree deprived the candidate of a fair chance to take and pass the examination; except that mere failure to pass an examination which has been successfully passed by other applicants shall not be grounds for appeal. Candidates are encouraged to report any extraordinary improper test administration acts or circumstances to the Commission.

(b) The petition shall be in writing and shall state the facts, information or circumstances upon which the appeal is based and in sufficient detail to identify the examination and persons involved. The petition shall be signed and dated by the applicant, and shall include the following statement: "I certify under penalty of perjury that the facts stated herein are true and correct."

(c) The petition may include other relevant information including the petitioner's academic record, letters of recommendation and other facts upon which the Commission might reasonably conclude that, but for the grounds for appeal alleged, the petitioner would have demonstrated all qualifications required by law for such credential or certificate.

(d) The petition, with the Executive Secretary's recommendation with respect thereto, shall be granted or denied by the Commission on the basis of the verified facts presented in the petition. The Commission may order reexamination of the petitioner upon all or any portion of the examination appealed from with or without further examination fee.

(e) An applicant who fails a subject matter examination and who does not meet the standards may appeal by requesting to be examined by a board of examiners. Such examination, if feasible, may be an oral examination by a board of examiners, as specified in Section 80075. Such an appeal shall be in writing and shall include all of the following:

(1) Verification that appellant has failed the examination and does not meet the standards; and

(2) Agreement by the appellant to pay the costs of impaneling and operating the board of examiners.

NOTE: Authority cited: Sections 44225 and 44252, Education Code. Reference: Sections 44280, 44281, 44310, and 44345(a), Education Code.

HISTORY

1. Amendment filed 1-12-79; designated effective 2-14-79 (Register 79, No. 2).
2. Amendment of subsection (a) filed 2-27-80; effective thirtieth day thereafter (Register 80, No. 9).
3. Amendment of subsection (e) filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80073. Board of Examiners.

In response to appeals filed in accordance with Section 80072(e), the Commission shall appoint boards of examiners as appropriate, each consisting of not more than six persons drawn equally from practicing public school teachers and full-time higher education faculty in the subjects or field(s) in which the candidate wishes to be examined. All examinations held by such boards shall be executive and closed sessions with only board members, Commission members, and staff, and the applicant permitted to attend. The recommendations of each board of examiners shall be in writing. A copy of such recommendations shall be transmitted to the Commission, and the Commission will notify applicants of its decision by registered mail within 30 days after the Commission considers the recommendations of the board.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Amendment filed 1-12-79; designated effective 2-14-79 (Register 79, No. 2).

§ 80074. Members of the Board of Examiners.

The Commission shall consider the following criteria when appointing members to a board of examiners:

(a) Current full-time employment;

(b) Major in the subject area to be examined;

(c) Three years of full-time teaching experience in the subject area of the examination;

(d) Bilingual or crosscultural experience or other background and expertise appropriate to the specific needs of applicants.

§ 80075. Oral Examination.

The oral examination shall be given at a location or locations designated by the Commission. No more than two such examinations shall be scheduled in one year for each subject matter area. This oral examination shall cover the substance specified in the adopted scope and content statement appropriate to the subject matter area being examined, and shall be scheduled for no longer than three hours.

§ 80076. Board of Examiners' Fee.

The fee shall be based on actual costs to assemble the Board of Examiners. A fee as provided in Section 80487 must be paid prior to the scheduling of the examination. After actual costs have been determined, a refund of any unearned portion of the fee will be paid to the applicant. These costs may be prorated between two candidates when two candidates are to be examined in one day, and among all candidates taking the same examination when the examination session lasts longer than one day.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. Amendment filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3).

§ 80077. Examination Processing Fee.

The fee for processing a request to apply for an examination score to meet one of the requirements for a Ryan Act credential shall be as provided in Section 80487. The fee is deemed earned upon receipt and shall not be refunded. A separate request and fee is required for each examination taken.

NOTE: Authority cited: Sections 44225 and 44298, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. Amendment filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3).

[The next page is 431.]

§ 80078. English Writing Proficiency Examination for Candidates Without College Recommendations.

NOTE: Authority cited: Sections 44225(b) and 44225(h), Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. Renumbering and amendment of Section 80071.3 to Section 80078 filed 3–26–81; effective thirtieth day thereafter (Register 81, No. 13).
2. Repealer filed 5–15–97; operative 6–14–97 (Register 97, No. 20).

§ 80085. Programs of Academic Preparation.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44310, 44311 and 44312, Education Code.

HISTORY

1. Repealer and new section filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27). For prior history, see Register 77, No. 51.
2. Amendment filed 6–19–85; effective thirtieth day thereafter (Register 85, No. 25).
3. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80085.1. Programs of Academic Preparation; General Requirement.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44310, 44311 and 44312, Education Code.

HISTORY

1. New section filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
2. Amendment filed 6–19–85; effective thirtieth day thereafter (Register 85, No. 25).
3. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80086. Programs of Academic Preparation; Specific Requirements.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44311, Education Code.

HISTORY

1. Repealer and new section filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27). For prior history, see Register 77, No. 51.
2. Amendment of subsection (i) filed 8–22–89; operative 9–21–89 (Register 89, No. 34).
3. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80087. Institutional Procedures and Standards.

NOTE: Authority cited: Section 44224, Education Code. Reference: Sections 44311 and 44312, Education Code.

HISTORY

1. Amendment filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
2. Amendment filed 6–19–85; effective thirtieth day thereafter (Register 85, No. 25).
3. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80088. Approval of Programs of Academic Preparation.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44310 and 44311, Education Code.

HISTORY

1. Repealer and new section filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27). For prior history, see Register 77, No. 51.
2. Amendment filed 6–19–85; effective thirtieth day thereafter (Register 85, No. 25).
3. Amendment of subsection (f) filed 11–26–85; effective thirtieth day thereafter (Register 85, No. 48).
4. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80089. Adding Supplementary Authorizations to Teaching Credentials Used Predominantly in Secondary Schools.

(a) The holder of a valid teaching credential specified in Education Code Section 44256(a) may have one or more of the subjects listed in Sections 80089.1 and 80089.2, added as a supplementary authorization. The candidate or an approved institution shall verify completion of either (1) or (2) below:

(1) 20 semester hours or 10 upper division semester hours of non-remedial collegiate coursework in a subject listed in Sections 80089.1 or 80089.2, or

(2) a collegiate major in a subject directly related to each subject listed in Sections 80089.1 or 80089.2. A "C" grade or above in any course used to meet provisions of this section shall be required. Non-remedial coursework for the purposes of this section shall be defined as coursework that is applicable to a bachelor's degree or a higher degree at a regionally accredited college or university.

(b) Authorization.

(1) A supplementary authorization added under the provisions of Section 80089.1 authorizes the holder to teach that subject at any grade level; preschool, kindergarten, grades 1–12, or in classes organized primarily for adults;

(2) A supplementary authorization added under the provisions of Section 80089.2 authorizes the holder to teach at any grade level (preschool, kindergarten, grades 1–12, or in classes organized primarily for adults) only the subject matter content typically included for that subject in curriculum guidelines and textbooks for study in grades 9 and below.

(c) Applicants who are progressing toward completion of supplementary authorization requirements as they existed on July 1, 1996, shall have until July 1, 1998, to apply for said authorizations.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256 and 44349, Education Code.

HISTORY

1. Renumbering and amendment of Section 80057.1 to Section 80089 filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
2. Amendment filed 12–10–86; effective thirtieth day thereafter (Register 86, No. 50).
3. Amendment filed 12–9–88; operative 1–8–89 (Register 89, No. 9).
4. Amendment of subsection (a)(2), repealer of subsection (b), subsection relettering, and amendment of newly designated subsection (c) filed 3–9–95; operative 4–10–95 (Register 95, No. 10).
5. Amendment of subsection (c) filed 10–29–96; operative 11–29–96 (Register 96, No. 44).

§ 80089.1. Subjects Added as Supplementary Authorizations (Specific Subjects).

(a) The following listed subjects may be added as supplementary authorizations to a valid teaching credential specified in Education Code Section 44256(a):

Accounting including finance
Agricultural mechanic
Animal science
Anthropology

Auto mechanics

Biological Sciences

Chemistry

Child develpment (home economics)
Clothing and textiles (home economics)

Comparative political systems and international relations
Computer concepts and applications
Consumer education (home economics)
Crafts, including jewelry and ceramics (art)

Dance
Drafting
Drama

Economics
Economic and consumer education
Electronics
English Composition

Family life and parenting (home economics)

Industrial crafts and plastics
Instrumental music
Interior design (home economics)

Journalism

Literature

Marketing/entrepreneurship
Metals (industrial arts)
Metals (industrial arts)

Office technologies including word processing and business communications
Ornamental horticulture

Painting and drawing
Photography
Physics
Plant science
Plastics (industrial arts)
Psychology

Sociology
Speech

US Government and US Civics
US History and California History
Vocal Music

Family life education including drug, alcohol and tobacco use prevention (health science)
Food and nutrition (home economics)
Forestry and horticulture
Geography
Geosciences
Graphic Arts
Woods (industrial arts)
World History

(b) A supplementary authorization in a specific subject of Science may be added to a valid teaching credential specified in Education Code Section 44256(a). The course of study for Biological Sciences or Chemistry or Geosciences or Physics must include each of the components for that area. One of the courses must include a laboratory component.

(1) Biological Sciences, including: Molecular and Cellular Biology, Biology of Organisms, and Evolution.

(2) Chemistry, including: Structure and Stability, and Chemical Reactions.

(3) Geosciences, including: Astronomy, Geology, Meteorology and Oceanography.

(4) Physics, including: Energy – Mechanics, Energy – Heat Energy – Electricity and Magnetism, Wave Motion and Atomic and Nuclear Physics.

(c) A supplementary authorization in each of the specific subjects of Child development (home economics), Clothing and textiles (home economics), Food and nutrition (home economics), and Interior design (home economics) must include a laboratory component.

(d) A supplementary authorization in the subject of Family life education including drug, alcohol, and tobacco use prevention (health science) must include the following components: sexually transmitted disease including HIV/AIDS, human development and human sexuality, parenting education, violence prevention, and drug, alcohol and tobacco use prevention and cessation.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256 and 44349, Education Code.

HISTORY

1. New section filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
2. Amendment filed 12–9–88; operative 1–8–89 (Register 89, No. 9).
3. Designation and amendment of subsection (a), new subsections (b)–(b)(4), and amendment of NOTE filed 3–9–95; operative 4–10–95 (Register 95, No. 10).
4. Amendment of subsection (a) and new subsections (c) and (d) filed 10–29–96; operative 11–29–96 (Register 96, No. 44).

§ 80089.2. Subjects Added as Introductory Supplementary Authorizations.

(a) Candidates seeking supplementary authorization in any language other than English shall, in addition to the requirements specified in Section 80089, submit verification of having either (1), (2), (3), or (4) below:

(1) passed the oral language portion of the Bilingual Certificate of Competence Examination in the language to be listed on the credential. Such verification shall be in the form of a letter from any institution or other educational agency, approved by the Commission as an assessor agency for the Bilingual Certificate of Competence. Whenever a written assessment instrument for a language other than Spanish is not available, a panel may be used by assessor agencies to assess a candidate's knowledge of the target language competencies, in accordance with Commission guidelines regulating assessment for languages other than Spanish, or

(2) passed the speaking and listening sections of Test 6 of the Crosscultural Language and Academic Development/Bilingual Crosscultural Language and Academic Development (CLAD/BCLAD) Examinations described in Section 80015.3 in the language to be listed on the credential; or

(3) oral proficiency in the language to be listed on the credential at a level equivalent to that of a person with a bachelor's degree with a major in that language. This level of proficiency shall be verified by a letter from the Chair of the Language Department of a regionally accredited 4 year college or university; or

(4) oral proficiency in the language to be listed on the credential at the level required to complete a Bilingual Emphasis or Bilingual Crosscultural Language and Academic Development (BCLAD) Emphasis Credential Program as verified by a letter from a person authorized to issue such verification by the college or university that offers such a program.

(b) The following listed subjects may be added as introductory supplementary authorizations to a valid teaching credential specified in Education Code Section 44256(a).

(1) Introductory Agriculture, including at least one course in each of the following areas: animal science, plant science, and agricultural mechanics;

(2) Introductory Art, including at least one course in each of the following areas: drawing and painting, art history or appreciation, and crafts;

(3) Introductory Business, including at least one course in each of the following areas: business management, business marketing or introduction to business, computer concepts and applications, economics, business communications or business English, and accounting;

(4) Introductory English, including at least one course in each of the following areas: composition, literature, and grammar or language structure;

(5) Introductory Language Other Than English (Specify), including at least one course in the language covering each of the following areas: grammar, composition, conversation, and literature;

(6) Introductory Health Sciences, including at least one course in each of the following areas: substance abuse (including alcohol, drug, and tobacco), family life education (including human sexuality, HIV/AIDS, and sexually transmitted diseases), nutrition, comprehensive school health systems or programs, and health education theory, behavior, or foundations;

(7) Introductory Home Economics, including at least one course in each of the following areas: food and nutrition, clothing, child development, and family life and parenting;

(8) Introductory Industrial Arts, including at least one course in each of the following areas: drafting or graphic arts, woods or metals, and electricity or electronics;

(9) Introductory Mathematics, including at least one course in each of the following areas (all course work shall be at least at a level for which intermediate algebra is a prerequisite): college algebra, geometry, and development of the real number system or introduction to mathematics; or three courses in calculus or other mathematics courses for which algebra and geometry are prerequisites;

(10) Introductory Music, including at least one course in each of the following areas: vocal music, instrumental music, music history or appreciation, and music theory;

(11) Introductory Physical Education, including at least one course in each of the following areas: team sports and games; fundamental and creative movement skills (such as dance and gymnastics); human movement, motor development, and/or motor learning; and individual, dual, nontraditional and global sports and games (such as aquatics, conditioning, and archery);

(12) Introductory Science, including at least one course in each of the following areas: biological sciences, chemistry, geosciences, and physics; and

(13) Introductory Social Science, including at least on course in each of the following areas: United States history, California history, world history, geography, and United States government.

(c) Introductory Home Economics Supplementary Authorizations must include a laboratory component in one of the listed subject areas. The course of study must cover both subject areas of food and nutrition but a single course may be used to meet the requirement. The course of study must cover both subject areas of family life and parenting, but a single course may be used to meet the requirement.

(d) Introductory Science Supplementary Authorizations Authorized by 80089.2(b)(12) shall include a one year sequence of courses in at least two of the listed subject areas. At least one course must include a laboratory component.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256 and 44349, Education Code.

HISTORY

1. New section filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
2. Amendment filed 12–9–88; operative 1–8–89 (Register 89, No. 9).
3. Amendment of section and NOTE filed 3–9–95; operative 4–10–95 (Register 95, No. 10).
4. Amendment of subsections (b)(3), (b)(6)–(7), new subsection (c) and subsection relettering filed 10–29–96; operative 11–29–96 (Register 96, No. 44).

§ 80089.3. Introductory Subject Matter Authorizations.

(a) The holder of a valid teaching credential specified in Education Code Section 44256(a) and (b) may have one or more of the subjects listed in subsection (b) added as an introductory subject matter authorization. Equivalent quarter hours may be used to meet the semester hour requirement. The candidate shall verify completion of either (1) or (2) below:

(1) a collegiate major from a regionally accredited college or university in a subject or in a subject directly related to each subject from subsection (b) to be listed, or

(2) 32 semester or 48 quarter hours of non–remedial collegiate coursework in a subject listed in subsection (b). Included within the 32 semester or 48 quarter hours is a minimum of three semester or four quarter hours in each of the specific content areas listed for the subject in subsection (b) except for Science which requires a minimum of six semester or eight quarter hours in each of the specific content areas listed. A grade of "C" or above in any course used to meet the provisions of this subsection shall be required. Non–remedial coursework for the purpose of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

(b) The following subjects may be added as introductory subject matter authorizations to a valid teaching credential specified in Education Code Section 44256(a) and (b):

(1) Art, with the content areas of art history including aesthetics and appreciation, two–dimensional art including drawing, painting, and printmaking, three–dimensional art including sculpture and ceramics, and photography/computer generated imagery;

(2) English with the content areas of grammar or language structure, advanced composition, speech, drama or theatre, and literature;

(3) A Language Other Than English (specify) with the content areas of grammar, composition, culture, conversation, and literature;

(4) Mathematics with the content areas of algebra, advanced algebra, geometry, probability or statistics, and development of the real number system or introduction to mathematics;

(5) Music with the content areas of vocal music including the analysis of repertoire and literature appreciation for developing musicians, instrumental music including the analysis of repertoire and literature appreciation for developing musicians, aural musicianship, keyboard, music history including music appreciation, world music, conducting, and music theory;

(6) Science with the content areas of biological sciences, chemistry, geosciences, and physics; and

(7) Social Science with the content areas of United States history, California history, world history, world civilization or world cultures, physical geography, and United States government.

(c) A subject specified in subsection (b) as an introductory subject matter authorization authorizes the holder to teach only the subject matter content typically included for that subject in curriculum guidelines and textbooks approved for study in grades 9 and below to students in preschool, kindergarten, grades 1–12, or in classes organized primarily for adults.

NOTE: Authority cited: Sections 12001 and 44225, Education Code. Reference: Sections 44225(e), 44256 and 44349, Education Code; and 20 U.S.C. Sections 6319(a) and 7801(23).

HISTORY

1. New section filed 11–16–2004; operative 12–16–2004 (Register 2004, No. 47).

§ 80089.4. Specific Subject Matter Authorizations.

(a) The holder of a valid teaching credential specified in Education Code Section 44256(a) and (b) may have one or more of the subjects listed in subsection (b) added as a specific subject matter authorization. Equivalent quarter hours may be used to meet the semester hour requirement. The candidate shall verify completion of either (1) or (2) below:

(1) a collegiate major from a regionally accredited college or university in a subject directly related to each subject from subsection (b) to be listed, or

(2) 32 semester or 48 quarter hours of non–remedial collegiate coursework directly related to the requested subject listed in subsection (b) except for history which requires a minimum of 16 semester units in both world history and U. S. history. A grade of "C" or above in any course used to meet the provisions of this subsection shall be required. Non–remedial coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

(b) The following subjects may be added as a specific subject matter authorization to a valid teaching credential specified in Education Code Section 44256(a) and (b):

Art History/Appreciation
Biological Sciences
Chemistry
Civics/Government
Dance
Drama/Theatre
Economics (social science)
English Composition
Geography
Geosciences
History
Instrumental Music
Literature
Photography
Physics
Plant Science
Three–Dimensional Art
Two–Dimensional Art
Vocal Music

(c) A subject specified in subsection (b) as a specific subject matter authorization authorizes the holder to teach courses in the specific subject in departmentalized classes in grades preschool and K–12 or in classes organized primarily for adults.

NOTE: Authority cited: Sections 12001 and 44225, Education Code. Reference: Sections 44225(e) and 44256, Education Code; and 20 U.S.C. Sections 6319(a) and 7801(23).

HISTORY

1. New section filed 11–16–2004; operative 12–16–2004 (Register 2004, No. 47).

§ 80092. Period of Validity of Waiver Subject Matter Program.

NOTE: Specific reference cited: Section 44310, Education Code.

HISTORY

1. Repealer filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).

§ 80093. Completion of Waiver Subject Matter Program; Subsequent Examination Not Required.

NOTE: Specific reference cited: Section 44310, Education Code.

HISTORY

1. Repealer filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).

§ 80094. Institutionally Approved Subject Matter Equivalencies.

Regionally accredited California colleges and universities approved by the Commission to offer subject matter programs in compliance with Education Code Section 44256 shall be authorized to determine the equivalence of courses and programs to their Commission approved program which students may submit from another institution. The Commission shall accept the verification of subject matter equivalence from approved institutions provided that, with the exception of persons whose academic and professional preparation were completed in regionally accredited institutions outside of California, the applicant for a multiple or single subject teaching credential has completed all or part of his or her undergraduate or graduate academic or professional preparation at the institution determining the equivalency of the subject matter. The Commission shall also accept the verification of subject matter equivalence from an approved institution where the applicant has not completed course work when neither the degree granting institution nor the institution at which the program is being completed has an approved subject matter program in the subject to be listed on the credential. However, the verification of subject matter equivalence must be in the applicant's degree major. The Commission shall also accept the verification of subject matter equivalence from an approved institution where the applicant has not completed course work if the equivalence was approved prior to the implementation of these regulations and all academic standards required in the institution's approved subject matter have been met.

For applicants whose academic and professional preparation were completed in regionally accredited institutions outside of California, the Commission shall accept subject matter equivalence determinations by approved California institutions so long as the institution submits verification that the out-of-state applicant has met requirements equivalent to those in the institution's approved program. Such verification shall include, but not be limited to, a listing of courses completed by the applicant deemed to be equivalent to courses in the institutions approved program, attainment of all academic standards required in the institution's approved program, and successful completion of any final assessment required of students in the institution's approved program.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44259(b)(5), Eduction Code.

HISTORY

1. Amendment of NOTE filed 6-28-82; effective thirtieth day thereafter (Register 82, No. 27).
2. Editorial correction of NOTE filed 7-22-82 (Register 82, No. 30).
3. Amendment of section and NOTE filed 5-1-96; operative 5-31-96 (Register 96, No. 18).

Article 4. Approval of Programs of Professional Preparation

§ 80096. Approval of Programs Leading to the Preliminary Administrative Services Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44270 (a) and 44227, Education Code.

HISTORY

1. New Article 4 (Section 80096) filed 10-7-83; effective thirtieth day thereafter (Register 83, No. 41). For prior history, see Registers 82, No. 45; and 77, No. 51.
2. Repealer filed 4-21-2000; operative 5-21-2000 (Register 2000, No. 16).

§ 80097. Approval of Programs Leading to the Professional Services Credential with a Specialization in Administrative Services.

NOTE: Authority cited: Sections 44225(a) and (b), Education Code; and Section 15376, Government Code. Reference: Sections 44225(b), 44226, 44227 and 44270.1, Education Code; and Sections 15374, 15376 and 15378, Government Code.

HISTORY

1. New section filed 1-14-85; effective thirtieth day thereafter (Register 85, No. 3).
2. Repealer filed 4-21-2000; operative 5-21-2000 (Register 2000, No. 16).

§ 80098. Approval of Programs Leading to the Language Development Specialist Certificate.

NOTE: Authority cited: Section 44475, Education Code. Reference: Section 44478, Education Code.

HISTORY

1. New section filed 4-23-85; effective thirtieth day thereafter (Register 85, No. 17).
2. Change without regulatory effect repealing section filed 5-22-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 21).

Article 5. Permits Authorizing Service in Child Care and Development Programs

§ 80105. Definitions.

As used in this article, each of the following terms has the meaning herein shown:

(a) "Child Development Permit" means any permit issued by the Commission on Teacher Credentialing which authorizes service in the care, development and instruction of children in a child care and development program. Child Development Permits were formerly referred to as Children's Center Permits.

(b) "Child care and development program" means any state licensed center-based child care and development program operated by a person, association, organization or school district legally authorized to conduct such programs.

(c) "General education" means course work from a regionally accredited institution of higher education in subject areas other than early childhood education and/or child development. The candidate must have earned a "C" or above in each course to be accepted.

(d) "Supervised field experience" means instruction performed in a child care and development program for college credit which is supervised by a person approved by a regionally accredited institution of higher education.

(e) "Early childhood education/child development course work" means college course work from a regionally accredited institution of higher education primarily related to children ages five years or younger. Twenty-five percent of the course work may be extended to cover children ages five to, and including, eight years. The candidate must have earned a "C" grade or above in each course to be accepted. The coursework must be non-remedial. "Non-remedial" coursework for the purpose of this section shall be defined as coursework that is applicable toward an associate of arts degree or higher at a regionally accredited institution of higher education.

(f) "Commission approved alternative education programs" means training which occurs outside of a regionally accredited institution of higher education that has been approved by the Commission to meet all or part of the requirements for obtaining a Child Development Permit. Commission approved alternative education programs must meet criteria established by the Commission in consultation with the Superintendent of Public Instruction in order to be applied toward the Permit.

(g) "Child Development Associate (CDA) credential" means a nationally recognized certificate issued by the CDA Credentialing Commission in Washington DC.

(h) "Professional growth" means participation in activities that contribute to a permit holder's competence, performance or effectiveness in the early childhood profession. Such activities may include but are not limited to college or university coursework, conferences, workshops, institutes, academies, symposia, and staff development programs.

(i)(1) "Core areas" for the Child Development Permit means individual courses or training in each of the following areas:

(A) child and/or human development;

(B) child, family and community or child and family relations; and

(C) programs and curriculum.

[The next page is 435.]

(2) "Core areas" for the Child Development Permit with the School – Age Emphasis means individual courses or training in each of the following areas:

(A) child growth and youth development;

(B) child and youth/family/community; and

(C) programs/curriculum including school–age instructional practices.

(3) Core courses in "child and/or human development and child, family and community" or "child and family relations" must be a minimum of three semester units or four quarter units.

(j) "Aide" means an individual who cares for and assists in the development and instruction of children under the supervision of a CDP Associate Teacher, Child Development Permit (CDP) Teacher, CDP Master Teacher, CDP Site Supervisor, or CDP Program Director. An aide may not be supervised by a CDP Assistant. An aide is not required to hold a Child Development Permit.

(k) "Adult supervision coursework" means a course that helps Child Development Permit candidates develop knowledge and skills for effective communication with and supervision of adults.

(*l*) "Accredited Home Economics Related Occupations (HERO) program" means a high school training program that is certified by the Home Economics Education Unit, California Department of Education, and uses curriculum developed by the Home Economics Education Unit to train secondary students to serve as aides or assistants in a child care and development program. Such training qualifies an individual to obtain a Child Development Assistant Permit.

(m) "Regional Occupational Program (ROP)" means a program designed to prepare secondary students or adults in one of a variety of occupations. When such training is in child development related occupations, it may be used to qualify an individual to obtain a Child Development Assistant Permit.

(n) "School–Age Emphasis" means that the permit holder has completed coursework relating to children and youths from birth to age 14. The coursework must be non–remedial.

(o) "Program year" means 175 days of three or more hours per day working in a child care and development program.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8370 and 8363, Education Code.

HISTORY

1. Renumbering and amendment of Part I, Division 19, Chapter 1, Article 2 (Sections 17930–17946) to Part VIII, Chapter 1, Article 5 (Sections 80105–80117), filed 12–16–77; effective thirtieth day thereafter (Register 77, No. 51). For prior history see Register 77, No. 39; Registers 75, No. 44, No. 32 and No. 25; and Register 74, No. 47.
2. Amendment of subsections (a) and (c), and new subsections (d)(5) and (e) filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
3. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
4. Amendment of article heading, section and NOTE filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
5. Amendment of subsection (f) filed 4–21–98; operative 5–21–98 (Register 98, No. 17).
6. Amendment of section and NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80106. Filing of Credentials Deemed Permits.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80107. Application Procedure and Date of Issuance of a Permit.

(a) Submission of Application. Each applicant for a Child Development Permit of any type or for any renewal thereof shall submit an application to the Commission on Teacher Credentialing, or to the Office of the County or District Superintendent of Schools of the county in which the applicant is employed.

(b) Application Form. An application for a Child Development Permit shall be submitted on the application form, Application for Credential Authorizing Public School Service (form 4104, rev XX), furnished by the Commission on Teacher Credentialing and shall be accompanied by all of the following:

(1) If the applicant does not already have fingerprint clearance on file with the Commission, the permit application must include duplicate personal identification cards as specified in Section 80442 and form Application for Character and Identification Clearance (form 41–CIC, rev 9–95).

(2) The fees as specified in Section 80487(a).

(3) Official transcripts listing required college and university course work appropriate to the permit requested.

(4) Verification of training completed through Commission approved non–college based training, if appropriate to the permit requested.

(5) For each permit requiring experience, the application shall be accompanied by original letters, from authorized persons having knowledge of the facts, verifying the dates and nature of the experience claimed.

(c) Date of Issuance. If all requirements for a permit are met by the date an application is filed, the permit will be dated as of that date, and that date will be the date of issuance. If further requirements are needed, then the date of issuance will be the date on which all necessary requirements have been met.

(d) No Renewal of Expired Permit. An expired permit shall not be renewed. However, if an applicant with an expired permit meets all of the renewal requirements and submits an application and fee, the permit shall be reissued as of the date of filing.

(e) Failure to Meet Renewal Requirements. In the event the holder of a permit fails to meet the renewal requirements for that permit he/she will be required to meet any new requirements that have been adopted subsequent to the initial date of issuance, unless an extension is granted pursuant to Section 80523.

(f) Reduced Fee for Early Renewal. When a Permit holder completes all of the requirements for a higher level of the Child Development Permit within three years of the date of initial issuance, he/she may submit an application for renewal and the original unexpired permit and pay half the renewal fee.

NOTE: Authority cited: Section 8370, Education Code. Reference: Sections 8362, 8363 and 44340, Education Code.

HISTORY

1. Amendment of subsection (b) filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Amendment filed 12–23–96; operative 1–22–97 (Register 96, No. 52).

§ 80108. Character Requirement.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80109. Levels of the Permit.

The Commission on Teacher Credentialing shall issue the Child Development Permit for service in child care and development programs at the following levels:

(1) Child Development Assistant Permit.

(2) Child Development Associate Teacher Permit.

(3) Child Development Teacher Permit.

(4) Child Development Master Teacher Permit.

(5) Child Development Site Supervisor Permit.

(6) Child Development Program Director Permit.

(b) All permits may have a "School–Age Emphasis" added to them when the individual takes half of his/her coursework in school–age units.

(c) All valid permits for service in a child care and development program issued prior to the effective date of this section shall continue in force and may be renewed as prescribed for each specific type of permit at the time it was issued. Upon request of the applicant, permits issued under prior regulations may be evaluated for the appropriate permit level under current regulations.

(d) Individuals holding permits issued under previous regulations who did not complete the renewal requirements specified for that type of permit may reapply under current regulations.

(e) Effective thirty days after these regulations become effective, the Commission on Teacher Credentialing will no longer issue life permits.

NOTE: Authority cited: Sections 8363, 8370 and 44225(b), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. Repealer of subsections (a)–(c) and new subsections (a)–(d) filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
2. Repealer of subsection (d) filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
3. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
4. Amendment of section heading and section filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
5. New subsection (b), subsection relettering and amendment of NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80110. Child Development Assistant Permit.

(a) Requirements. Each applicant for a Child Development Assistant Permit shall comply with the procedure prescribed for application in Section 80107 and shall meet one of the following:

(1) Completion of six (6) semester units of early childhood education or child development coursework;

(2) Completion of an accredited secondary Home Economics Related Occupations (HERO) program supported by local, federal, or Regional Occupational Center/Program (ROC/P) funds or Regional Occupational Program (ROP) in Child Development Related Occupations; or

(3) Completion of equivalent training approved by the Commission on Teacher Credentialing. Equivalent training may include traditional coursework taken through a regionally accredited institution of higher education and Commission approved alternative education programs.

(b) An individual may apply for this permit with a "School–Age Emphasis" by completing half of his/her units in school–age coursework.

(c) Term and Renewal. The Child Development Assistant permit shall be issued for five years and may be renewed for a five year period upon submission of the following:

(1) an application for renewal;

(2) required fees; and

(3) verification of completion of 105 hours of professional growth.

(d) Authorization.

(1)The Child Development Assistant Permit authorizes the holder to care for and assist in the development and instruction of children in a child care and development program under the supervision of a CDP Associate Teacher, CDP Teacher, CDP Master Teacher, CDP Site Supervisor, or CDP Program Director.

(2) The Child Development Assistant Permit With School–age Emphasis authorizes the holder to provide all of the services authorized for the Child Development Assistant Permit holder as well as provide services in the care, development, and instruction of children in before–school, after–school and other school age child care programs.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. New section filed 12–23–96; operative 1–22–97 (Register 96, No. 52). For prior history, see Register 82, No. 45.
2. Amendment of subsection (a)(3) filed 4–21–98; operative 5–21–98 (Register 98, No. 17).
3. New subsection (b), subsection relettering, redesignation of newly designated subsection (d) as subsection (d)(1), new subsection (d)(2) and amendment of NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80111. Child Development Associate Teacher Permit.

(a) Requirements. Each applicant for a Child Development Associate Teacher Permit shall comply with the procedure prescribed for application in Section 80107 and shall meet one of the following:

(1) All of the following:

(A) Completion of a minimum of 12 semester units of coursework in early childhood education/child development (exclusive of field work used to satisfy Section 80111 a. 1. B) including at least one course in each of the following core areas: child/human growth and development; child, family and community, or child and family relations; programs/curriculum; and

(B) Fifty days of experience in an instructional capacity in a child care and development program, working at least three hours per day within the last two years.

(2) Completion of the Child Development Associate (CDA) Credential.

(3) Completion of equivalent training approved by the Commission on Teacher Credentialing. Equivalent training may include traditional coursework taken through a regionally accredited institution of higher education and Commission approved alternative education programs.

(b) An individual may apply for this permit with a "School–Age Emphasis" by completing half of his/her units in school–age coursework.

(c) Term and Renewal. A Child Development Associate Teacher Permit shall only be renewed once, and may only be held for a total of ten years. Upon expiration of the renewed Child Development Associate Teacher Permit, the applicant must qualify for the Child Development Teacher Permit.

(1) In order to renew the Child Development Associate Teacher Permit, the applicant must have completed at least fifteen (15) semester units toward the Child Development Teacher Permit.

(2) At the end of the five year renewal period, the applicant must meet all requirements for a Child Development Teacher Permit. The Child Development Associate Teacher Permit may not be renewed a second time.

(3) An application for renewal must be accompanied by the required fees and verification that all renewal requirements have been met.

(d) Authorization.

(1) A Child Development Associate Teacher Permit authorizes the holder to provide service in the care, development, and instruction of children in a child care and development program, and supervise a Child Development Assistant Permit holder and an aide.

(2) The Child Development Associate Teacher Permit With School–age Emphasis authorizes the holder to provide all of the services authorized for the Child Development Associate Teacher Permit holder as well as provide services in the care, development, and instruction of children in before–school, after–school and other school age child care programs.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. Repealer and new section filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
2. Amendment filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
3. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
4. Repealer and new section filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
5. Amendment of subsection (a)(5) filed 4–21–98; operative 5–21–98 (Register 98, No. 17).
6. New subsection (b), subsection relettering, redesignation of newly designated subsection (d) as subsection (d)(1), new subsection (d)(2) and amendment of NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80111.1. Life Children's Center Supervision Permit.

NOTE: Authority cited: Sections 8363(a), 8370, and 44225(b), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. New section filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
2. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
3. Repealer filed 12–23–96; operative 1–22–97 (Register 96, No. 52).

§ 80112. Child Development Teacher Permit.

(a) Requirements. Each applicant for a Child Development Teacher Permit shall comply with the procedure prescribed for application in Section 80107 and shall meet one of the following:

(1) All of the following:

(A) Completion of twenty–four semester units of course work in early childhood education/child development including at least one course in each of the following core areas: child/human growth and development; child, family and community, or child and family, relations; programs/

curriculum. Either of the following may be used to partially meet the 24–semester units requirements:

1. A two– or three–semester unit supervised field work course, including both the field and course work components, may be used toward the required 24 early childhood education/child development semester units, but the same field work course may not be used to meet the experience requirement listed in Section 80112(a)(1)(B).

2. Successful completion of the Child Development Associate (CDA) Credential, which may be used for nine semester units of credit toward the required 24 semester units.

(B) Completion of 175 days of experience in an instructional capacity in a child care and development program, working at least three hours per day within the last four years.

(C) Completion of sixteen diversified semester units in general education (i.e., at least one course in each of the following areas: Humanities and/or Fine Arts, Social Sciences, Math and/or Science, and English/Language Arts).

(2) Completion of an associate degree or higher in early childhood education or child development or a related field, with a three (3) semester unit supervised field experience in an early childhood education setting.

(3) Completion of equivalent training approved by the Commission on Teacher Credentialing. Equivalent training may include traditional coursework taken through a regionally accredited institution of higher education and Commission approved alternative education programs.

(b) An individual may apply for this permit with a "School–Age Emphasis" by completing half of his/her units in school–age coursework.

(c) Term and Renewal. The Child Development Teacher Permit shall be issued for five years and renewed for successive five year periods upon submission of:

(1) an application for renewal;

(2) required fees; and

(3) verification of completion of 105 hours of professional growth.

(d) Authorization.

(1) A Child Development Teacher Permit authorizes the holder to provide service in the care, development, and instruction of children in a child development program, and supervise a Child Development Permit Associate Teacher, a Child Development Permit Assistant, and an aide.

(2) The Child Development Teacher Permit With School–age Emphasis authorizes the holder to provide all of the services authorized for the Child Development Teacher Permit holder as well as provide services in the care, development, and instruction of children in before–school, after–school and other school age child care programs.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. Repealer and new section filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
2. Amendment filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).
3. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
4. Repealer and new section filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
5. Amendment of subsections (a)(2)–(3) filed 4–21–98; operative 5–21–98 (Register 98, No. 17).
6. New subsection (b), subsection relettering, redesignation of newly designated subsection (d) as subsection (d)(1), new subsection (d)(2) and amendment of NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80113. Child Development Master Teacher Permit.

(a) Requirements. Each applicant for a Child Development Master Teacher Permit shall comply with the procedure prescribed for application in Section 80107 and shall meet one of the following:

(1) All of the following:

(A) Completion of twenty–four semester units of course work in early childhood education/child development including at least one course in each of the following core areas: child/human growth and development; child, family and community, or child and family, relations; programs/curriculum. Either of the following may be used to partially meet the required units:

1. A two– or three–semester unit supervised field work course, including both the field and course work components, may be used toward the required 24 early childhood education/child development semester units, but the same field work course may not be used to meet the experience requirement listed in Section 80113(a)(1)(E).

2. Successful completion of the Child Development Associate (CDA) Credential, which may be used for nine semester units of credit toward the required 24 semester units.

(B) Completion of sixteen diversified semester units in general education (i.e., at least one course in each of the following areas: Humanities and/or Fine Arts, Social Sciences, Math and/or Science, and English/Language Arts).

(C) Completion of six (6) additional semester units in an area of specialization which may include but is not limited to the following:

1. Infant and toddler care;
2. Bilingual and bicultural development;
3. Children with exceptional needs;
4. Preschool programming;
5. Parent/teacher relations;
6. Child health; and
7. Specific areas of developmentally appropriate curriculum.

(D) Completion of two (2) semester units of adult supervision coursework.

(E) Completion of 350 days of experience in an instructional capacity in a child care and development program, working at least three hours per day within the last four years.

(2) Completion of a baccalaureate degree or higher with twelve (12) or more semester units of early childhood education or child development coursework, and a three (3) unit supervised field experience in an early childhood education setting.

(3) Completion of equivalent training approved by the Commission on Teacher Credentialing. Equivalent training may include traditional coursework taken through a regionally accredited institution of higher education and Commission approved alternative education programs.

(b) An individual may apply for this permit with a "School–Age Emphasis" by completing half of his/her units in school–age coursework.

(c) Term and Renewal. The Child Development Master Teacher Permit shall be issued for five years and renewed for five year periods upon submission of the following:

(1) an application for renewal,

(2) required fees, and

(3) verification of completion of 105 hours of professional growth.

(d) Authorization.

(1) A Child Development Master Teacher Permit authorizes the holder to provide service in the care, development, and instruction of children in a child care and development program, and supervise a Child Development Permit Teacher, a Child Development Permit Associate Teacher, a Child Development Permit Assistant, and an aide. A Child Development Master Teacher Permit also authorizes the holder to serve as a coordinator of curriculum and staff development in a child care and development program.

(2) The Child Development Master Teacher Permit With School–age Emphasis authorizes the holder to provide all of the services authorized for the Child Development Master Teacher Permit holder as well as provide services in the care, development, and instruction of children in before–school, after–school and other school age child care programs.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. Repealer and new section filed 4–6–81; effective thirtieth day thereafter (Register 81, No. 15).
2. Repealer and new section filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
3. Amendment of subsection (a)(3) filed 4–21–98; operative 5–21–98 (Register 98, No. 17).

4. Amendment of subsection (a)(1)(C)1., new subsection (b), subsection relettering, redesignation of newly designated subsection (d) as subsection (d)(1), new subsection (d)(2) and amendment of NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80114. Child Development Site Supervisor Permit.

(a) Requirements. Each applicant for a Child Development Site Supervisor Permit shall comply with the procedure prescribed for application in Section 80107 and shall meet one of the following:

(1) All of the following:

(A) Completion of an associate degree or 60 semester units, with at least twenty–four (24) units of early childhood education or child development, including the core courses of child and/or human development; child, family and community; and programs and curriculum.

(B) Completion of six (6) additional semester units of coursework in the administration and supervision of child care and development programs. These six units must include at least two different courses. One course shall be introductory and one course shall be advanced, or they must be courses of different topical content.

(C) Completion of two (2) semester units of adult supervision coursework.

(D) Completion of 350 days of experience in an instructional capacity in a child care and development program, working at least three hours per day within the last four years. Experience must include at least 100 days of supervising adults in a child care and development program.

(2) Completion of a baccalaureate degree or higher with twelve (12) or more semester units of early childhood education or child development coursework, and a three (3) unit supervised field experience in an early childhood education setting.

(3) An Administrative Services credential authorizing services in public schools in California, with twelve (12) semester units of early childhood education or child development coursework and a three (3) semester unit supervised field experience.

(4) A current credential issued by the Commission on Teacher Credentialing authorizing teaching service in a self–contained classroom or a secondary teaching credential in home economics, with twelve (12) semester units of early childhood education or child development coursework and a three (3) semester unit supervised field experience.

(5) Completion of equivalent training approved by the Commission on Teacher Credentialing. Equivalent training may include traditional coursework taken through a regionally accredited institution of higher education and Commission approved alternative education programs.

(b) An individual may apply for this permit with a "School–Age Emphasis" by completing half of his/her units in school–age coursework.

(c) Term and Renewal. The Child Development Site Supervisor Permit shall be issued for five years and renewed for successive five year periods upon submission of:

(1) an application for renewal;

(2) required fees; and

(3) verification of completion of 105 hours of professional growth.

(d) Authorization.

(1) A Child Development Site Supervisor Permit authorizes the holder to supervise a child care and development program operating at a single site, provide service in the care, development, and instruction of children in a child care and development program, and serve as a coordinator of curriculum and staff development in a child care and development program.

(2) The Child Development Site Supervisor Permit With School–age Emphasis authorizes the holder to provide all of the services authorized for the Child Development Site Supervisor Permit holder as well as provide services in the care, development, and instruction of children in before–school, after–school and other school age child care programs.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. Repealer and new section filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
2. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
3. Repealer and new section filed 12–23–96; operative 1–22–97 (Register 96, No. 52).
4. Editorial correction of subsections (a)(1) and (b) (Register 98, No. 17).
5. Amendment of subsections (a)(1)(A) and (a)(5) filed 4–21–98; operative 5–21–98 (Register 98, No. 17).
6. New subsection (b), subsection relettering, redesignation of newly designated subsection (d) as subsection (d)(1), new subsection (d)(2) and amendment of NOTE filed 7–15–2002; operative 8–14–2002 (Register 2002, No. 29).

§ 80114.1. Limited Children's Center Instructional Permit.

NOTE: Authority cited: Sections 8363(a), 8370 and 44225(b), Education Code. Reference: Sections 8363, 8370, 44252.7, 45361.5 and 51216, Education Code.

HISTORY

1. New section filed 11–30–78; designated effective 1–1–79 (Register 78, No. 48).
2. Amendment filed 12–30–85; effective thirtieth day thereafter (Register 86, No. 1).
3. Repealer filed 12–23–96; operative 1–22–97 (Register 96, No. 52).

§ 80115. Child Development Program Director Permit.

(a) Requirements. Each applicant for a Child Development Program Director Permit shall comply with the procedure prescribed for application in Section 80107 and shall meet one of the following options:

(1) All of the following:

(A) Completion of a baccalaureate degree with at least twenty–four (24) units of early childhood education or child development, including the core areas of child and/or human development; child, family and community; and programs and curriculum;

(B) Completion of six (6) additional semester units of coursework in the administration and supervision of child care and development programs. These six units must include at least two different courses. One course shall be introductory and one course shall be advanced, or they must be courses of different topical content.

(C) Completion of two (2) semester units of adult supervision coursework.

(D) Child Development Site Supervisor status, with at least one program year of site supervisor experience.

(2) A master's degree or higher in Child/Human Development, Early Childhood Education or closely related field.

(3) An Administrative Services credential authorizing services in public schools in California, with twelve (12) semester units of early childhood education or child development coursework and a three (3) semester unit supervised field experience.

(4) A current credential issued by the Commission on Teacher Credentialing authorizing teaching service in a self contained classroom or a secondary teaching credential in home economics, with twelve (12) semester units of early childhood education or child development coursework, three (3) semester units in a supervised field experience, and six additional semester units in administration of early childhood education or child development.

(5) Completion of equivalent training approved by the Commission on Teacher Credentialing. Equivalent training may include traditional coursework taken through a regionally accredited institution of higher education and Commission approved alternative education programs.

(b) An individual may apply for this permit with a "School–Age Emphasis" by completing half of his/her units in school–age coursework.

(c) Term and Renewal. The Child Development Program Director Permit shall be issued for five years and renewed for successive five year periods upon submission of all of the following:

(1) an application for renewal;

(2) required fees; and

(3) verification of completion of 105 hours of professional growth.

(d) Authorization.

(1) A Child Development Program Director Permit authorizes the holder to supervise a child care and development program operated in a single or multiple sites, provide service in the care, development, and instruction of children in a child care and development program, and serve as a coordinator of curriculum and staff development in a child care and development program.

(2) The Child Development Program Director Permit With School-age Emphasis authorizes the holder to provide all of the services authorized for the Child Development Program Director Permit holder as well as provide services in the care, development, and instruction of children in before-school, after-school and other school age child care programs.

NOTE: Authority cited: Sections 8363, 8370 and 44225(d), Education Code. Reference: Sections 8363 and 8370, Education Code.

HISTORY

1. New section filed 12-23-96; operative 1-22-97 (Register 96, No. 52). For prior history, see Register 81, No. 13.
2. Amendment of subsection (a)(2), subsection renumbering, and amendment of newly designated subsection (a)(5) filed 4-21-98; operative 5-21-98 (Register 98, No. 17).
3. New subsection (b), subsection relettering, redesignation of newly designated subsection (d) as subsection (d)(1), new subsection (d)(2) and amendment of NOTE filed 7-15-2002; operative 8-14-2002 (Register 2002, No. 29).

§ 80116. Procedures for Denial, Private Admonition, Public Reproval, Suspension and Revocation.

All proceedings for the denial, private admonition, public reproval, suspension or revocation of permits authorizing service in children's centers or child development programs are governed by the laws and regulations that govern the denial, private admonition, public reproval, suspension or revocation of a credential.

NOTE: Authority cited: Sections 44225, 44242 and 44243, Education Code. Reference: Section 44244, Education Code.

HISTORY

1. Repealer and new section filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).
2. Amendment of section heading and section filed 12-23-96; operative 1-22-97 (Register 96, No. 52).

§ 80117. Procedures for Denial, Suspension, and Revocation of Children's Center Permits.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 8363, Education Code.

HISTORY

1. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80120. Purpose and Categories of Waivers.

The following categories of waivers will be considered under the provisions of Education Code Section 44225(m):

(a) Short-Term Waivers: Waivers to give local agencies one semester or less to address unanticipated, immediate, short-term organizational needs by assigning teachers who hold a basic credential to teach outside of their credential authorization, with the teacher's consent.

(b) Variable Term Waivers: Waivers to provide applicants with additional time to complete the requirements for the credential that authorizes the service or to provide employing agencies time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes:

(1) Waivers to facilitate assignment in school programs addressing issues of educational reform;

(2) Waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position;

(3) Waivers to temporarily exempt geographically isolated regions, which have severely limited ability to develop personnel, from specific state requirements for educator preparation, licensing or assignment; or

(4) Other temporary waivers granted at the discretion of the Commission.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of section heading and subsections (b)-(b)(2) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).

§ 80121. General Provisions Governing Waivers.

(a) Definition of Terms. Terms that are used in Sections 80120 through 80124, inclusive, shall have the following meanings.

(1) The term "employing agency" means the school district; county office of education; private school; nonpublic, nonsectarian school or agency as defined in Education Code Sections 56365 and 56366; or postsecondary institution that submits a waiver application.

(2) "Applicant" means the individual for whom a waiver application is submitted.

(3) "SELPA" means a Special Education Local Planning Area.

(4) A "short-term waiver" is a temporary waiver with a term of one semester or less as described under Section 80120(a).

(5) A "variable term waiver" is a temporary waiver with a term as specified by the Commission.

(b) Waiver Service Restrictions. Except as specified by the Commission, service authorized by a waiver shall be restricted to the employing agency that submitted the waiver application and to the assignment specified on the waiver document.

(c) Authorization to Apply for Waivers. Each application for a variable term waiver shall be submitted to the Commission on behalf of the individual identified in the application. The following may submit applications for variable term waivers:

(1) public school districts in California;

[The next page is 439.]

(2) county offices of education or county superintendents of schools in California;

(3) postsecondary institutions;

(4) private schools in California (in particular, nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366); and

(5) individuals.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
2. Amendment of subsections (a)(1), (a)(4), (a)(5), (b), (c) and (c)(4) filed 8–8–95; operative 9–7–95 (Register 95, No. 32).

§ 80122. Requirements for Variable Term Waivers.

The application for a waiver document shall include all of the following:

(a) Name of Employing Agency. The application shall identify the employing agency seeking a waiver.

(b) Section Number. The application shall cite the specific Education Code or Title 5 section number(s) for which a waiver is being requested. In the case of waivers for the purpose of assignment in school programs addressing issues of educational reform, the application may instead identify the plan under which the reform will take place and, if applicable, the date when the plan was approved by the employing agency or the appropriate state agency, whichever came later.

(c) Reason for Waiver. The application shall summarize the reason the waiver is being requested, including, but not limited to, the specific employment criteria for the position that must be filled, a description of the efforts to locate and recruit individuals who hold the appropriate credential or who can be assigned under one of the available assignment options, and a description of the efforts the employing agency has made to establish alternative training options such as co–sponsoring internships with institutions of higher education or establishing a District Intern program.

(d) Proposed Solution. The application shall describe how the waiver will remedy the situation, give the rationale for the request including what makes the applicant the best candidate to fill the position, and describe any negative effect(s) that are likely to occur if the request is not granted.

(e) Identification of Applicant. The application shall identify, by name, date of birth and Social Security number, the applicant for whom the waiver is requested.

(f) If the applicant does not already have fingerprint clearance on file with the Commission, the application must include two fingerprint cards and the completed Application for Character and Identification Clearance (form 41–CIC, rev 11–93), and appropriate fee(s).

(g) Requirements and Commitment. The request shall:

(1) list the requirement(s) that the applicant must complete to be eligible for the credential which authorizes the service being requested and the anticipated date(s) of completion of those requirement(s),

(2) include a commitment by the applicant, in the form of an original signature, to pursue a course of study leading to full certification, with the understanding that no subsequent waiver will be requested should the applicant fail to verify completion of requirement(s) leading toward the credential,

(3) list the name and/or position of any person assigned to provide support and assistance to the applicant while he or she is serving on the waiver, and

(4) state that the employing agency has made a commitment to support and assist the applicant, as feasible, in completing the credentialing requirement(s).

(h) Additional Requirements

(1) To fill a position to serve special education students, the employing agency must include the SELPA among those receiving notice of the intent to request a waiver.

(i) Effective Date and Proposed Duration. The application shall specify the beginning date of service on the waiver and the date when the waiver will cease to be needed.

(j) Public Notice. The request shall include verification that a notice of intent to employ the applicant in the position identified has been made public as follows:

(1) If the waiver request is being submitted by a public school district, it must include a copy of the agenda item presented to the governing board of the district in public meeting with a signed statement from the superintendent, or his or her designee, that the item was acted upon favorably. The agenda item must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a credential waiver.

(2) If the waiver request is being submitted by a county office of education, state operated school, or nonpublic, nonsectarian school or agency, it must include a dated copy of the notice that was posted at least 72 hours before the position was filled and a signed statement from the superintendent or administrator or his or her designee that there were no objections to the waiver request. The notice must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a credential waiver.

(k) Signatures. The application shall include the signature of the district personnel administrator or superintendent or the county superintendent if service will be provided in a county–operated school or the administrator of the state–operated school or of the nonpublic, nonsectarian school or agency, or his or her designee certifying that the information provided is accurate and complete.

(*l*) Fee(s). Effective July 1, 1996, the waiver request shall include payment of the fee(s) required by Section 80487. Waiver requests for individuals who hold a valid non–emergency teaching credential based on possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching shall include payment of the fee(s) required by all subsections of Section 80487, as appropriate, except 80487(a)(1).

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m) and 44235, Education Code.

HISTORY

1. New section filed 4–20–94; operative 5–20–94 (Register 94, No. 16).
2. Amendment of section heading and section filed 8–8–95; operative 9–7–95 (Register 95, No. 32).
3. Amendment of first paragraph and new subsection (*l*) filed 5–9–96; operative 6–10–96 (Register 96, No. 19).
4. Amendment of subsections (j)(1) and (j)(2) filed 12–23–98; operative 1–22–99 (Register 98, No. 52).
5. Amendment of subsection (g)(2) and repealer of subsection (h)(2) filed 5–21–2002; operative 6–20–2002 (Register 2002, No. 21).

§ 80123. Requirements for Short–Term Waivers.

(a) Local Approval of Short–Term Waivers. Employing agencies may grant a short–term waiver as described under Section 80120(a) without prior approval by the Commission, provided that a short–term waiver may be issued one time only for any individual, and one time only for a given class.

(b) Notification of County Offices. Pursuant to Education Code Section 44258.9, school districts using a short–term waiver shall provide the following information to the county office of education:

(1) Identification of the Applicant. The notification shall identify, by name and Social Security number, the individual for whom the short–term waiver was issued.

(2) Authorization and Assignment. The notification shall specify the credential that the individual holds and the assignment that the individual is filling as a result of the short–term waiver.

(3) Reason for Waiver. The notification shall explain the situation that led to the need for the short–term waiver.

(4) Effective Date and Proposed Duration. The notification shall specify the beginning and ending dates of service on the waiver.

(5) Other. The county office of education may require other information as necessary.

(c) Notification of the Commission. Pursuant to Education Code Section 44258.9(d), county offices of education shall report the use of short-term waivers as described in subsection (b) above in school districts and in county-operated schools to the Commission annually. In addition, the Commission may request information concerning the use of short-term waivers from other employing agencies.

(d) The Commission may rescind the authority of any employing agency to grant a short-term waiver upon a finding that the agency has intentionally violated any provision of Sections 80120 or 80123.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of section heading and subsection (a), repealer of subsections (b)-(c) and new subsections (b)-(d) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).

§ 80124. Requirements for a Request for a Subsequent Variable Term Waiver for a Specific Applicant.

(a) A request for a subsequent variable term waiver for a specific applicant in the same assignment shall meet the requirements of Section 80122 and must include verification that the applicant has fulfilled his or her commitment to pursue the completion of requirements leading toward the credential which authorizes the service.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of section heading and subsection (a) and repealer of subsection (b) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment filed 8-9-2007; operative 9-8-2007 (Register 2007, No. 32).

§ 80125. Submitting Requests for Variable Term Waivers; Approvals and Denials.

(a) Requests for variable term waivers must be submitted on a form developed and provided by the Commission pursuant to Section 80122 and must include written documentation supporting the waiver, including, but not limited to, dated copies of announcements of the vacancy, a job description detailing the specific employment criteria for the position, official transcripts, the original foreign transcript evaluation letter, examination score reports, and verifications of experience.

(b) A waiver request should be submitted to the Commission prior to the applicant's beginning day of service. The Commission will honor the beginning date of service listed on the waiver request as long as the waiver request is submitted within ninety (90) days of the beginning date of service listed on the waiver request.

(1) Waiver requests received in the Commission office after the ninety (90) day deadline following the beginning date of service will be denied due to lateness and considered as a final notice of denial.

(2) The Commission shall promptly mail a notice of denial to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.

(c) Waiver requests received within the ninety (90) day deadline following the beginning date of service are reviewed by the Commission.

(1) If the applicant qualifies for a credential or permit that authorizes the service, the waiver request may be returned for an application and fee, as appropriate, for the credential or permit authorizing the service.

(2) When the applicant meets the requirements as specified in Section 80122, and following the conclusion of a fitness review performed by the Division of Professional Practices, a numbered waiver document will be issued. The waiver document identifies the applicant's credential goal and authorizes the service appropriate to that goal.

(3) When the applicant does not meet the requirements as specified in Section 80122 or insufficient information is provided by the employing agency, the waiver will be denied. The Commission shall promptly mail a notice of denial to the employing agency, the applicant, and the county office of education when applicable.

(A) The notice of denial will explain the reasons for the denial and afford the employing agency an opportunity to submit additional information in support of the waiver request that was not available at the time the request was originally submitted. If the employing agency intends to resubmit the waiver request pursuant to (c)(4) of this section, the applicant may remain in the assignment until a final determination on eligibility is made. If the waiver request is not resubmitted pursuant to (c)(4) of this section, upon receipt of the notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.

(4) Waiver requests that are denied for insufficient information or ineligibility that are resubmitted within thirty (30) days of the date on the notice of denial are reviewed by the Commission.

(A) When the applicant qualifies for a credential or permit that authorizes the service, the waiver request will be returned for an application and fee, as appropriate, for the credential or permit authorizing service.

(B) When the applicant meets the requirements as specified in 80122, and following the conclusion of a fitness review performed and approval by the Division of Professional Practices, a numbered waiver document will be issued. The waiver document identifies the applicant's credential goal and authorizes the service appropriate to that goal.

(C) When the applicant does not meet the requirements as specified in Section 80122 or insufficient information is provided by the employing agency, the waiver will be denied. The Commission shall promptly mail a final notice of denial to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the final notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.

(5) Waiver requests that are denied for insufficient information or ineligibility that are resubmitted after thirty (30) days of the denial, will be denied. The Commission shall promptly mail a final notice of denial to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the final notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

HISTORY

1. New section filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
2. Amendment filed 9-5-96; operative 10-5-96 (Register 96, No. 36).
3. Amendment of subsection (a), new subsection (b), subsection relettering, and amendment of newly designated subsections (c) and (e)(2) filed 12-23-98; operative 1-22-99 (Register 98, No. 52).
4. Amendment filed 8-9-2007; operative 9-8-2007 (Register 2007, No. 32).

Article 6. Positions Requiring Administrative Credentials or Supervision Credentials

HISTORY

1. Repealer of Article 6 (Sections 80125-80127) filed 2-3-83; effective thirtieth day thereafter (Register 83, No. 6). For prior history, see Registers 79, No. 44 and 77, No. 51.

Article 7. Code of Ethics of the Teaching Profession

NOTE: Authority cited for Article 7: Section 44421, Education Code.

HISTORY

1. Amendment and renumbering of Part I, Division 6, Chapter 1, Article 1 (Sections 5480-5485) to Part VIII, Chapter 1, Article 7 (Sections 80130-80132), filed 12-16-77; effective thirtieth day thereafter (Register 77, No. 21). For prior history see Register 77, No. 21 and Register 70, No. 17.
2. Repealer of Article 7 (Sections 80130-80132) filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

Chapter 2. Rules of Procedure for the Commission

Article 1. General Provisions

§ 80150. Definitions.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. New Article 1 (Sections 80150–80180, not consecutive) filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80153. Officers.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44218, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80156. Chairman and Vice–Chairman.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80159. Chairman.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80162. Vice–Chairman.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80165. Vacancy.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80168. Chairman Pro Tempore.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80171. Executive Secretary.

(a) The Executive Secretary shall perform and discharge under the direction and control of the Commission the powers, duties, purposes, functions, and jurisdiction vested in the Commission and delegated to the Executive Secretary by the Commission.

(b) The Commission reserves to itself the authority to approve contracts with the following characteristics:

(1) Contracts or agreements for goods or services with a value in excess of $12,000, when such contracts are not let under the auspices of a state master agreement or regulation.

(2) Contracts or agreements for personal services with a value in excess of $12,000 or a duration longer than two months.

(3) Contracts or agreements to be entered into without advertising or bidding (sole source contracts) with a value in excess of $12,000, when the Commission or its staff initiates the request to let a sole source contract rather than on the basis of competitive bids.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44220.

HISTORY

1. Repealer of subsection (b) and new subsections (b)–(b)(3) filed 7–1–92; operative 7–31–92 (Register 92, No. 28).

§ 80174. Duties of the Officers.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80177. Staff of the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44221, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80180. Administrative Review of Grievance.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

Article 2. Rules of Procedure

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44219, Education Code.

HISTORY

1. New Article 2 (Sections 80190–80217, not consecutive) filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Repealer of Article 2 (Sections 80190–80217, not consecutive) filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

Article 3. Conflict of Interest Code

§ 80225. General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Commission on Teacher Credentialing.

Designated employees shall file statements of economic interests with their agencies. Upon receipt of the statements of the Commissioners, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

For the remainder of the designated employees, the agency shall, upon receipt of their statements, file them and make available.

NOTE: Authority cited: Sections 87300 and 87304, Government Code. Reference: Section 87300, et seq., Government Code.

HISTORY

1. New Chapter (Sections 80225–80232) filed 3–8–78; effective thirtieth day thereafter. Approved by the Fair Political Practices Commission 10–4–77 (Register 78, No. 10).
2. Redesignation of Sections 80225–80232 as Article 3 of Chapter 2 filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
3. Repealer of Article 3 (Sections 80225–80232) and new Article 3 (Section 80225 and Appendix) filed 2–26–81; effective thirtieth day thereafter. Approved by the Fair Political Practices Commission 12–1–80 (Register 81, No. 9).
4. Amendment of section and Appendix filed 4–11–96; operative 5–11–96. Approved by Fair Political Practices Commission 2–14–96 (Register 96, No. 15).
5. Amendment of appendix filed 11–10–97; operative 12–10–97. Approved by Fair Political Practices Commission 9–10–97 (Register 97, No. 46).
6. Amendment of Appendix filed 7–13–99; operative 8–12–99. Approved by Fair Political Practices Commission 6–11–99 (Register 99, No. 29).
7. Amendment of Appendix filed 2–15–2000; operative 3–16–2000. Approved by Fair Political Practices Commission 12–17–99 (Register 2000, No. 7).

8. Amendment of Appendix filed 12-12-2001; operative 1-11-2002. Approved by Fair Political Practices Commission 10-5-2001 (Register 2001, No. 50).

Appendix

Designated Positions	*Assigned Disclosure Categories*
Commissioner	1,2,3,4,5,6
Executive Director	1,2,3,4,5,6
Director, Division of Professional Practices/General Counsel	1,2,3,4,5,6
Director, Office of Human Resources	3,4
Director, Certification, Assignments and Waivers Division	1,2,3,4,5,6
Director, Office of Governmental Relations	1,2,3,4,5,6
Director, Professional Services Division	1,2,3,4,5,6
Director, Information Technology and Support Management Division	1,2,3,4,5,6
Staff Counsel and above	1,2,3,4,5,6
Data Processing Manager III	1,2,3,4,5,6
Manager, Program Operations Section	3,4
Manager, Division of Professional Practices	3,4
Manager, Fiscal and Business Services Section	1,2,3,4
Manager, Executive Office	3,4
Manager, Certification, Assignment, and Waivers	3,4
Senior Information Systems Analyst (Supervisory)	2,3,4
Committee of Credentials Member	5,6
Committee on Accreditation Member	1,2,4
Consultants, including Education Project Specialists, Education Research and Evaluation Consultants and Consultants in Teacher Preparation (Examinations and Research) and (Program Evaluation and Research)	1,2,3,4
Teacher Preparation Administrator I (Examinations and Research)	1,2,3,4
Teacher Preparation Administrator I (Program Evaluation and Research)	1,2,3,4
Consultant*	

*The Executive Director may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories

Category 1

Designated officials or employees assigned to this category must report:

Any business positions and income from any school, college, or university offering courses or curricula which are approved by the Commission.

Category 2

Designated officials or employees assigned to this category must report:

All interests in real property, as well as investments, business positions, and income from business entities which are engaged in providing research work, program development, program auditing, testing and examination or professional consulting work or services of the type utilized by the Commission on Teacher Credentialing.

Category 3

Designated officials or employees assigned to this category must report:

All interests in real property, as well as investments, business positions, and income from business entities which contracts to provide goods and services, renders services or sells products or equipment of the type utilized by the Commission on Teacher Credentialing or manufacturers, wholesales or distributes such products or equipment.

Category 4

Designated officials or employees assigned to this category must report:

All interests in real property, as well as investments, business positions in, and income from, a business entity which would be beneficially or adversely affected by currently pending Commission on Teacher Credentialing related legislation.

Category 5

Designated officials or employees assigned to this category must report:

All interests in real property, investments, business positions and sources of income from business entities if, within the previous four

years, the Commission on Teacher Credentialing has taken any civil or administrative action against such entity, or has intervened in such action.

Category 6

Designated officials or employees assigned to this category must report:

All interests in real property, investments, business positions and any income from business entities or professions where the business entity or profession is regulated by the Commission on Teacher Credentialing.

Article 4. Information Practices

§ 80250. Policies Established by the Executive Secretary.

NOTE: Authority cited: Section 1798.20, Civil Code.

HISTORY

1. New Article 4 (Sections 80250 and 80255) filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80255. Administrative Remedy.

(a) When an individual is entitled under Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code to gain access to, inspect, copy, or amend information held by the Commission, and where said individual is denied such right by the staff of the Commission, he or she may appeal such denial to the Commission.

(b) Pursuant to Civil Code Section 1798.40 an individual whose information held by the Commission has been classified as confidential may request that the Commission review the classification. Such request shall be filed with the Commission within 30 days of notification of the classification. Within 30 days subsequent to said review the Commission shall notify the individual of the findings of the review.

(c) An appeal pursuant to this section shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Section 1798.20, Civil Code. Reference: Section 1798.40, Civil Code.

Chapter 2.5. Approved Programs

Article 1. Professional Preparation Programs

§ 80256. Definitions.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44226 and 44227, Education Code.

HISTORY

1. New Chapter 2.5 (Sections 80256 and 80280, not consecutive) filed 3–11–85; effective thirtieth day thereafter (Register 85, No. 11).
2. Repealer of chapter 2.5 (articles 1–2), article 1 (section 80256) and section filed 4–21–2000; operative 5–21–2000 (Register 2000, No. 16).

Article 2. Off–Campus Programs

§ 80280. Approval Requirements: Off–Campus Programs.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44226 and 44227, Education Code.

HISTORY

1. Repealer of article 2 (section 80280) and section filed 4–21–2000; operative 5–21–2000 (Register 2000, No. 16).

Chapter 3. Committee of Credentials

Article 1. General Provisions

§ 80300. Definitions.

(a) "Adverse action" is a denial, a private admonition, public reproval, suspension or a revocation of one or more credentials.

(b) "Aggravating factor" is an event or circumstance which demonstrates that a greater degree of adverse action for an act of professional misconduct is needed to adequately protect the public, schoolchildren or the profession. Aggravating factors may include, but are not limited to, the following:

(1) a prior record of adverse action including the nature and extent of that record;

(2) that the misconduct evidences multiple acts of wrongdoing or demonstrate a pattern of misconduct;

(3) that the misconduct was surrounded by or followed by bad faith, dishonesty or other violation of the laws governing educators;

(4) that the misconduct significantly harmed a child entrusted to the care of a credential holder or applicant, significantly harmed the public or the educational system;

(5) that the holder or applicant demonstrated indifference toward the consequence of the misconduct, which includes failure to comply with known court orders; or

(6) that the holder or applicant had prior notice, warnings or reprimands for similar conduct from any reliable source.

(c) "Applicant" is an individual applying for a credential, permit, waiver or other certification document issued by the Commission on Teacher Credentialing.

(d) "Commission" is the Commission on Teacher Credentialing or a predecessor agency.

(e) "Committee" is the Committee of Credentials.

(f) "Confidential investigative report" is a summary of applicable law and relevant facts, as well as information regarding aggravating and mitigating factors, prepared and presented to the Committee pursuant to Education Code section 44242.5(c)(2).

(g) "Credential" is any credential, certificate, life document, life diploma, permit, certificate of clearance, or waiver, or other document which authorizes the holder to perform services which require certification and was issued by the Commission.

(h) "Complainant" is the person or persons filing a statement pursuant to Education Code section 44242.5(b)(2), or an employer filing a notice pursuant to Education Code section 44242.5(b)(3), or (4).

(i) "Denial" is refusal to grant a credential to an applicant whose conduct comes within the provisions of Education Code sections 44435 or 44346.

(j) "Employer" is the entity which contracts with or otherwise engages a holder or applicant for the performance of educational services.

(k) "Formal review" is the meeting held pursuant to Education Code section 44244.

(*l*) "Holder" is an individual possessing a credential, permit, waiver or other certification document issued by the Commission.

(m) "Mitigating factor" is an event or circumstance which demonstrates that the public, schoolchildren and the profession would be adequately protected by a more lenient degree of adverse action or no adverse action whatsoever. Mitigating factors may include, but are not limited to, the following factors:

(1) absence of any prior record of adverse action over many years of educational service, coupled with present misconduct which is not deemed most serious;

(2) lack of harm to the person who is the object of the misconduct;

(3) emotional or physical difficulties suffered by the holder or applicant which substantially contributed to the misconduct; provided that the difficulties were not the product of illegal conduct by the credential holder or applicant, such as illegal drug or substance abuse; and further provided that the credential holder or applicant has established through clear and convincing evidence that he or she no longer has such difficulties;

(4) a demonstration of good character of the applicant or holder attested to by references from the educational community or the general community from individuals aware of the extent of the applicant's or holder's misconduct;

(5) objective action taken by the applicant or holder, spontaneously demonstrating remorse at the time of the misconduct, and recognition of the wrongdoing which is designed to timely make amends for the consequences of the misconduct;

(6) the proximity or remoteness in time relative to the seriousness of the misconduct; or

(7) the nature and extent of subsequent rehabilitation.

(n) "Private admonition" is an adverse action defined and governed by Education Code section 44438.

(o) "Probable cause" is reasonable grounds for belief in the existence of facts warranting adverse action.

(p) "Public reproval" is a public warning from the Commission that conduct is not appropriate for a credential holder or applicant. Following a public reproval, commission of the same or similar misconduct may result in more serious adverse action. It is issued only when adequate to appropriately protect the public, schoolchildren and the profession.

(q) "Recurring conduct" is behavior involving the exercise of consistently poor judgment or misconduct.

(r) "Revocation" is the termination of an individual's ability to work in a position requiring certification. Once effective, the revocation continues unless the individual is reinstated by the Commission.

(s) "Sexual misconduct" is:

(1) acts or conduct, directed at a minor which a reasonable person would believe to be motivated by sexual interest;

(2) acts or conduct defined in Education Code section 44010 whether or not the applicant or holder was convicted or arrested; or

(3) the proliferation or distribution of child pornography or the exploitation of any minor through the use of any pornography by a credential holder or applicant. "Pornography" consists of the acts defined in Part 1, Title 9, Chapters 7.5 and 7.6 of the Penal Code, commencing with section 311.

(t) "Suspension" is the temporary inactivation of a credential for a specified period of time. A suspension may be stayed on conditions of probation or may be an actual suspension or may be both. If an actual suspension, the credential holder may not work in a position requiring a credential during the period of actual suspension.

(1) A "stayed suspension" may be issued for a specified period of time only if the stay and performance of specified rehabilitative or probationary duties by the credential holder during the period of the stay is deemed consistent with the purposes of professional discipline.

(2) An "actual; suspension" may be issued for a specified period of time. Actual suspensions imposed for one year or longer shall require presentation of sufficient proof to the Commission of the credential holder's rehabilitation, or present fitness to perform the duties authorized by the credential before the suspension may terminate.

NOTE: Authority cited: Sections 44225(q) and 44242.7(b), Education Code. Reference: Sections 44002, 44225(q), 44242.7, 44242.5, 44421, 44244 and 44438, Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32). For prior history, see Register 82, No. 45.
2. Amendment of subsections (g) and (k) and amendment of NOTE filed 3–24–2005; operative 4–23–2005 (Register 2005, No. 12).

§ 80301. Notice to Applicants for Issuance or Renewal of Credentials; Application for Character and Identification Clearance.

(a) An applicant for issuance or renewal of a credential shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to his or her fitness or competence to perform the duties authorized by his or her credential.

(b) Each applicant for initial issuance of a credential shall submit a completed Application for Character and Identification Clearance on a form adopted by the Commission on which he or she will set forth evidence of identification and good moral character which shall be used for the sole purpose of determining the applicant's eligibility for a credential or Certificate of Clearance.

(c) The Application for Character and Identification Clearance shall include, but not be limited to, the following information for applicants:

(1) that the Commission is prohibited from issuing to or renewing the credential of any person convicted of any sex offense listed under Education Code Section 44010; or any narcotics offense listed under Education Code Section 44011; or who has been determined to be a mentally disordered sex offender; or that if a person holds a credential and has been convicted of any offense listed in Education Code Section 44424, such credential must be revoked.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44339, 44346 and 44425, Education Code.

HISTORY

1. New section filed 11–15–83; effective thirtieth day thereafter (Register 83, No. 47).
2. Amendment of subsection (c)(1), repealer of subsection (c)(2) and amendment of NOTE filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80301.5. Standards for Investigation or Pursuance of Offenses.

NOTE: Authority cited: Sections 44225(b) and 44339(a), Education Code. Reference: Sections 44339, 44421, 44345 and 44346, Education Code.

HISTORY

1. New section filed 11–15–83; effective thirtieth day thereafter (Register 83, No. 47).
2. Amendment filed 4–23–85; effective thirtieth day thereafter (Register 85, No. 17).
3. Repealer filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80302. Standards for Investigation.

(a) The Committee, in conducting its investigation, shall determine the relationship between the alleged misconduct and the applicant's or holder's fitness, competence, or ability to effectively perform the duties authorized by the credential. Such relationship may be based on facts which include, but are not limited to, the following:

(1) The likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated;

(2) The proximity or remoteness in time of the conduct;

(3) The type of credential held or applied for by the person involved;

(4) The extenuating or aggravating circumstances surrounding the conduct;

(5) The praiseworthiness or blameworthiness of the motives resulting in the conduct;

(6) The likelihood of the recurrence of the questioned conduct;

(7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved, or other certified persons;

(8) The publicity or notoriety given to the conduct.

(b) If the Committee finds no relationship between the alleged misconduct and the applicant's or holder's fitness, competence or ability to effectively perform the duties authorized by the credential the Committee shall close the investigation.

NOTE: Authority cited: Section 44225(q) Education Code. Reference: *Morrison v. State Board of Education* (1969) 1 Cal.3d 214; *Pettit v. State Board of Education* (1973) 10 Cal.3d 29; *Watson v. State Board of Education*, (1971) 22 Cal. App. 3d 559; and Section 44242.5(c), Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

§ 80303. Reports of Change in Employment Status.

(a) Whenever a credential holder, working in a position requiring a credential:

(1) is dismissed or nonreelected;

(2) resigns;

(3) is suspended or placed on unpaid administrative leave as a final adverse employment action for more than 10 days;

(4) retires; or

(5) is otherwise terminated by a decision not to employ or re–employ;

as a result of an allegation of misconduct or while an allegation of misconduct is pending, the superintendent of the employing school district shall report the change in employment status to the Commission not later than 30 days after the employment action.

(b) The report shall contain all known information about each alleged act of misconduct.

(c) The report shall be made to the Commission regardless of any proposed or actual agreement, settlement, or stipulation not to make such a report. The report shall also be made if allegations served on the holder are withdrawn in consideration of the holder's resignation, retirement or other failure to contest the truth of the allegations.

(d) Failure to make a report required under this section constitutes unprofessional conduct. The Committee may investigate any superintendent who holds a credential who fails to file reports required by this section.

(e) The superintendent of an employing school direct shall, in writing, inform a credential holder of the content of this regulation whenever that credential holder, working in a position requiring a credential, is dismissed, nonreelected, resigns, is suspended or placed on unpaid administrative leave as a final adverse employment action for more than ten days, retires or is otherwise terminated by a decision not to employ or re–employ as a result of an allegation of misconduct or while an allegation of misconduct is pending. Failure to comply with this subdivision by a superintendent of schools constitutes unprofessional conduct which shall be investigated by the Committee of Credentials.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44242.5(b)(3), Education Code; and *California Teachers Association v. California Commission on Teacher Credentialing*, (Sacramento Superior Court Case No. 98AS03278, Judgment Granting In Part Request For Declaratory Relief, filed April 26, 1999.)

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32). For prior history, see Register 82, No. 45.
2. Change without regulatory effect amending subsections (a)(5), (c) and (d) and amending NOTE filed 4–2–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 14).
3. Amendment of subsection (a)(1), (a)(3), (a)(5), (d) and (e) filed 3–24–2005; operative 4–23–2005 (Register 2005, No. 12).

§ 80304. Notice of Sexual Misconduct.

(a) A notice filed pursuant to Education Code section 44242.5(b)(4) alleging sexual misconduct shall contain all of the following information:

(1) name of the holder alleged to have engaged in misconduct;

(2) name, age and address of each victim of the alleged misconduct;

(3) a summary of all information known to the employer regarding the alleged misconduct; and

(4) a summary of the action, if any, taken at the direct level by the employer in response to the complaint of sexual misconduct.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44242.5(b)(4), Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

§ 80305. Continuance.

NOTE: Authority cited: Sections 44225, 44242, 44243, Education Code. Reference: Section 44244, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No 45).

§ 80306. Time for Presentation of Allegations.

(a) With the exceptions set forth in Education Code section 44242.7(a), an allegation of an act or omission by a credential holder shall be presented to the Committee within four years from the date of the alleged act or omission, or within one year from the date the act or omission should reasonably have been discovered by the Commission.

(b) For purposes of Education Code section 44242.7(a), a matter is presented to the Committee when the credential holder or applicant is notified that the matter is set for initial review by the Committee.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44242.5(d) and 44242.7(a), Education Code.

HISTORY

1. New subsection (b) filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

Article 2. Duties and Functions of the Committee of Credentials; Guidelines

§ 80307. Disclosure of Documents During Investigation.

(a) Upon receipt of a written request, the Committee shall disclose to the credential holder or applicant or his or her attorney only those portions of the investigation file as authorized by Education Code section 44244(a).

(b) Disclosure of documents pursuant to subsection (a) may be provided at any time subsequent to the commencement of the initial review pursuant to Education Code section 44242.5(c).

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244(a), Education Code; and *Cross v. California Commission on Teacher Credentialing et al.* (2003) 111 Cal.App.4th 1001.

HISTORY

1. Amendment filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).
3. Repealed 8–23–2003 by decision of the Court of Appeals of California, Third Appellate District (*Cross v. Commission of Teacher Credentialing, et al.* (2003) 111 Cal. App. 4th 1001).
4. New section filed 3–24–2005; operative 4–23–2005 (Register 2005, No. 12).

§ 80307.1. Investigation Commences.

An investigation is commenced on the date respondent is first notified, in writing, that his or her fitness to hold a credential is under initial review.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44242.5 and 44242.7, Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80308. Preliminary Review.

(a) If the Committee receives information about an applicant or holder, the Committee may conduct a preliminary review of the information prior to commencing an investigation. At the preliminary review, the Committee may either determine to end the review or instruct staff to set the matter for initial review at a later meeting.

(b) A credential holder's personnel records shall not be obtained without written notification to the holder.

(c) No contact shall be made by any Commission staff members with anyone except the complainant prior to opening the investigation.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44242.5, Education Code.

HISTORY

1. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80309. Medical and Psychiatric Guidelines.

(a) The Committee shall not initiate an administrative hearing solely on the grounds that an applicant or licensee is suffering from a contagious and communicable disease or other disease or defect of mind or body unless probable cause appears from the evidence that:

(1) The condition of the applicant or licensee constitutes a health hazard to students or persons with whom he or she must associate in carrying out the duties authorized by the credential applied for or held; or

(2) Because of the said disease or defect the applicant or licensee is unable to perform the duties authorized by the credential applied for or held.

(b) Any denial, suspension, or revocation of a credential pursuant to this section shall be limited in duration to the period of actual disability; and the credential shall be granted or reissued upon presentation of satisfactory evidence that such disability no longer exists.

(c) Where it appears from the evidence that an applicant or licensee is, or has been within one year, under psychiatric treatment as a condition of probation imposed by a court as a result of the commission of acts or omissions which also constitute probable cause for private admonition, denial, suspension, or revocation of a credential; or where the evidence shows that an applicant or licensee has committed acts or omissions which, but for the reasonably probable existence of some mental defect or disability, would constitute cause for disciplinary action, the Committee of Credentials may require and the applicant or licensee shall submit to an examination by a designated board certified licensed psychiatrist who shall prepare his expert opinion with respect to whether the applicant or licensee is able to perform the duties authorized by the credential applied for or held; and if not so able, the probable duration and severity of the disability. Such examination shall be at the expense of the Commission.

Refusal or willful failure of an applicant or licensee to submit to such examination within 30 days after service of such request by registered mail shall constitute cause for denial of the application for issuance or renewal of a credential, and any revocation or suspension of a credential shall not be limited by the provisions of subsection 2 (b) above.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44336, Education Code.

HISTORY

1. New subsection (c) filed 8–20–81; effective thirtieth day thereafter (Register 81, No. 34).

§ 80309.1. Initial Review

(a) Prior to issuance of a notice of meeting pursuant to section 80310 the Committee shall conduct an initial review of the matter based upon written information.

(b) Notification of the initial review shall be provided to the holder or applicant only.

(c) When the matter is set for initial review by the Committee the staff shall provide written notification to the applicant or holder and offer the applicant or holder a reasonable opportunity to provide written information to the Committee prior to the Committee meeting. All written statements by the applicant or holder provided to the Committee shall be verified under the penalty of perjury.

(d) Staff shall submit a confidential investigative report to the Committee.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44242.5, Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80310. Notice of Meeting, Formal Review.

(a) The notice of meeting required by Education Code section 44244(a), shall be sent to the address of record of the holder or applicant. In its discretion, the Committee may also send the notice to the last known address of the holder or applicant. However, it is the responsibility of the holder or applicant to notify the Commission of any change in his or her address of record. The notice to the holder or applicant shall contain a confidential investigative report.

(b) A copy of the notice, without the confidential investigative report, shall be sent to any complainant and all known educational employers.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244(a), Education Code; and Section 1013(a), Code of Civil Procedure.

HISTORY

1. Repealer of subsection (b) filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).
3. Amendment of section and NOTE filed 3–24–2005; operative 4–23–2005 (Register 2005, No. 12).

§ 80311. Request for Appearance.

(a) No later than 20 days prior to formal review before the Committee pursuant to section 80310, the holder or applicant may request an opportunity to personally appear before the Committee during the formal review to respond, under oath, to questions from the Committee.

(b) Upon receipt of a request for an appearance, staff shall schedule a specific day and time to appear before the Committee during the formal review. Staff shall also notify all complainants and the last known employer, of the scheduled appearance. This notice shall state that the complainant and/or employer may also appear to offer relevant testimony before the Committee.

(c) If the holder or applicant is unable to appear before the Committee at the scheduled time, the Committee shall conduct the meeting, as noticed pursuant to section 80310, without an appearance. The Committee may grant a continuance if an emergency situation exists.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244, Education Code.

HISTORY

1. Amendment filed 4–23–85; effective thirtieth day thereafter (Register 85, No. 17).
2. Amendment filed 8–25–88; operative 9–24–88 (Register 88, No. 36).
3. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80312. Continuance.

A matter set for review by the Committee may be continued only upon written request and in compelling and verifiable situations. As part of the written request for a continuance the respondent must submit a written waiver of time and a showing that there will be no harm to the public in the event the continuance is granted. A request for a continuance must be received at the Commission no later than 10 days prior to the date set for review by the Committee.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244, Education Code.

HISTORY

1. New section filed 8–29–88; operative 9–28–88 (Register 88, No. 36). For prior history, see Register 82, No. 45.
2. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80313. Presence of Material Witnesses.

(a) Any person determined by the Committee of Credentials to be a material witness in a particular case shall be permitted to be present to provide testimony during formal review by the Committee, and shall be examined for rebuttal evidence, if any.

(b) Whether a witness is called shall be at the sole discretion of the Committee of Credentials.

(c) The order of witness testimony shall be determined by the Committee of Credentials.

(d) A minor witness (persons under 18 years of age) may have one support person present during their testimony. No support will be allowed for adult witnesses, except the representative designated by the applicant or holder under investigation.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44242.5 and 44244, Education Code.

HISTORY

1. Amendment of subsection (a) filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Amendment filed 8–29–88; operative 9–28–88 (Register 88, No. 36).
3. Repealer of former section 80313 and renumbering and amendment of former section 80317.2 to new section 80313 filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80314. Action.

A quorum of the Committee must be present to consider any action, and at least four members must concur to take any action.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244, Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

§ 80314.5. Notice of Committee Action.

A written copy of the recommendation and findings of the Committee together with a notice of appeal rights available shall be sent by registered mail to the holder's or applicant's last known address within 14 days after the meeting or hearing at which the recommendation is made. Unless the recommendation involves private admonition, as provided in Section 44438 of the Education Code, a copy of the said recommendation, but not the findings, unless otherwise provided by law, shall be mailed to all complainants and parties requesting notice of the Committee's decision in the case. Such recommendation, but not the findings, unless otherwise provided by law, shall also be made available to members of the public upon request.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44244 and 44438, Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80315. Reconsideration.

(a) A holder, applicant, complainant or employer may request, in writing, that the Committee reconsider its recommended decision. The request must be received by the Commission no later than 30 days after personal service or mailing notice of the Committee's recommendation. The request for reconsideration shall also contain new and different evidence which may materially affect the findings of the Committee.

(b) When a recommendation of the Committee is presented to the Commission pursuant to Education Code section 44244.1, the Commission may adopt the recommendation or request the Committee to reconsider its action, decision, or recommendation. Upon request of the Commission, the Committee shall reconsider its action, decision, or recommendation.

(c) A member of the Committee may participate in the reconsideration of a matter even though he or she was not present during the original consideration of the matter if the interested parties agree, or if the member reviews a transcript or tape recording of the proceedings and all other documents and evidentiary materials before the Committee.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244, Education Code.

HISTORY

1. New section filed 8–8–97; operative 9–7–97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

§ 80316. Confidentiality of Investigative Material.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44248, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80316.5. Confidential Report of Investigation.

Where the confidential investigative report shows that the allegations are groundless the file shall be sealed.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44242.5 and 44244, Education Code.

HISTORY

1. Amendment filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).
2. Amendment of section and NOTE filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80317. Administrative Hearing.

The credential holder or applicant may, within thirty (30) days after personal service or the mailing of notice of the Committee's recommendation, request an administrative hearing by giving written notice to the Commission. The administrative hearing is a trial de novo. Any prayer contained in an Accusation or Statement of Issues shall request "appropriate adverse action according to evidence."

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44244(d) and 44244.1, Education Code.

HISTORY

1. Repealer and new section filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80317.2. Presence of Material Witnesses.

NOTE: Authority cited: Section 44225, Education Code. Reference: Item 358 of the 1980–81 Supplemental Budget.

HISTORY

1. New section filed 2–11–81; effective thirtieth day thereafter (Register 81, No. 7)
2. Renumbering and amendment of former section 80317.2 to new section 80313 filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80318. Action Committee May Take.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80318.1. Reconsideration of Committee Action.

NOTE: Authority cited: Sections 44242 and 44243, Education Code. Reference: Section 44244, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 80319. Notice of Committee Action; Form of Notice.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44243 and 44244, Education Code.

HISTORY

1. Amendment of subsections (a) and (b)(4) filed 2–11–81; effective thirtieth day thereafter (Register 81, No. 7).
2. Amendment filed 8–29–88; operative 9–28–88 (Register 88, No. 36).
3. Repealer filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80320. Consent Determinations.

At any time after the Committee has determined that a Statement of Issues or an Accusation shall be filed against a respondent, but before a final determination of the matter has been made by the Commission, the respondent may propose and the Committee may recommend to the Commission a settlement upon terms which sufficiently provide for the protection of the public, schoolchildren and the profession.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44244, Education Code.

HISTORY

1. Amendment of section and NOTE filed 8–8–97; operative 9–7–97 (Register 97, No. 32).

§ 80321. Committee of Credentials Reports to the Commission.

NOTE: Authority cited: Sections 44242 and 44243, Education Code. Reference: Section 44244, Education Code.

HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

Article 3. Rules of Conduct for Professional Educators

§ 80331. General Provisions.

(a) These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.

(b) Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of certificated persons or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited.

(c) These rules may be cited and referred to as "Rules of Conduct for Professional Educators."

(d) The Commission shall complete a study of the effect of these rules and present its findings to the Governor, the Legislature, and the State Board of Education no later than September 1, 1989.

(e) As used in these rules:

(1) "Certificated person" means any person who holds a certificate, permit, credential, or other license authorizing the performance of teaching or education-related service in grades K through 12 in California public schools.

(2) "Professional employment" means the performance for compensation of teaching or other education-related employment in a position for which certification requirements are set by law.

(3) "Confidential information" means information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1-4-89; operative 2-3-89 (Register 89, No. 3).

§ 80332. Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation.

(a) A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.

(b) This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer but does apply to unqualified statements as fact that which the writer does not know to be true or to statements as fact that which the writer knows to be untrue.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1-4-89; operative 2-3-89 (Register 89, No. 3).
2. Editorial correction of Authority cite (Register 95, No. 9).

§ 80333. Withdrawal from Professional Employment.

(a) A certificated person shall not abandon professional employment without good cause.

(b) "Good cause" includes but is not necessarily limited to circumstances not caused by or under the voluntary control of the certificated person.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1-4-89; operative 2-3-89 (Register 89, No. 3).
2. Editorial correction of Authority cite (Register 95, No. 9).

§ 80334. Unauthorized Private Gain or Advantage.

A certificated person shall not:

(a) Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals;

(b) Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which is the property of his/her employer without the express or clearly implied permission of his/her employer;

(c) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1-4-89; operative 2-3-89 (Register 89, No. 3).

§ 80335. Performance of Unauthorized Professional Services.

A certificated person shall not, after July 1, 1989:

(a) Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the county superintendent of schools in writing of the incorrect assignment, and the county superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9(g)(2) and (3).

(b) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the county superintendent of schools of those attempts, and the county superintendent of schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.

(c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.

(d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

(e) Effective October 20, 1993, no adverse action described in Title 5, California Code of Regulations, section 80331(a) shall be imposed for violation of this provision prior to review and attempted disposition pursuant to Title 5, California Code of Regulations, sections 80339 through 80339.6.

NOTE: Authority cited: Section 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 1-4-89; operative 2-3-89 (Register 89, No. 3).
2. New subsection (e) and amendment of NOTE filed 9-20-93; operative 10-20-93 (Register 93, No. 39).

§ 80336. Performance with Impaired Faculties.

(a) A certificated person shall not:

(1) Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

(2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

(b) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1-4-89; operative 2-3-89 (Register 89, No. 3).

§ 80337. Harassment and Retaliation Prohibited.

No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the governing board of a school district, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1–4–89; operative 2–3–89 (Register 89, No. 3).

§ 80338. Discrimination Prohibited.

A certificated person shall not, without good cause, in the course and scope of his or her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition or sexual orientation, refuse or fail to perform certificated services for any person.

NOTE: Authority cited: Sections 44225(b) and 44339, Education Code. Reference: Sections 44345, 44420 and 44421, Education Code.

HISTORY

1. New section filed 1–4–89; operative 2–3–89 (Register 89, No. 3).

§ 80339. Definitions.

The following definitions pertain to Sections 80339.1 through 80339.6.

(a) "Commission" is the Commission on Teacher Credentialing.

(b) "Committee" is the Committee on Authorized Assignments.

(c) "County superintendent" means the county superintendent of schools.

(d) "School superintendent" means the superintendent of the local school district.

(e) "Staff" refers to the staff of the Commission on Teacher Credentialing.

(f) "Misassignment" refers to the assignment of a certified person to a position not authorized by the credential or certificate or permit or by regulations or pertinent sections of the Education Code.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 39).

§ 80339.1. Membership of the Committee on Authorized Assignments.

The Committee shall be established by the Commission and shall consist of five (5) members appointed by the Commission. Membership shall include two (2) practicing school teachers, one (1) practicing school service representative other than a school administrator, one (1) practicing school administrator or one (1) practicing certificated human resources administrator, and one (1) school board member. All members shall have experience in the area of legally permissible assignment authorizations. Members shall be appointed to serve two (2) year terms and may be reappointed.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 39).

§ 80339.2. Materials to be Forwarded by the County Superintendent.

Notices required to be sent to the Commission under the terms of Education Code section 44258.9(g)(3) shall include all of the following:

(a) All writings which form the basis on which a determination of misassignment was made;

(b) Copies of all communications sent to the school superintendent informing him or her of the specific individuals in misassignments, and identifying the administrators immediately responsible for the misassignment;

(c) All written responses submitted by the school district or school administrator in response to communication described in Education Code section 44258.9(g)(3);

(d) All writings informing the certificated employee that he or she is serving in an unauthorized position. The county superintendent must advise the employee of the misassignment and of the professional obligation of the individual to seek an authorized position. Copies of any written response by the employee shall also be provided to the Commission;

(e) Information regarding the steps taken to identify for the Commission the administrator(s) responsible for the misassignment;

(f) All other materials which mitigate or aggravate the possible penalties or which supplement the information presented.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 39).

§ 80339.3. Staff Review and Determination.

Staff shall review the materials and information provided by the county superintendent. If staff determines that the assignment is authorized, this information shall be communicated, in writing, to the county superintendent and the school superintendent. If staff determines that the assignment is unauthorized, the school superintendent and the governing board of the local school district shall be notified in writing of the staff determination of misassignment and advised of the possible penalties if the misassignment is not corrected. As a part of the notification, staff shall offer the school superintendent the opportunity to enter into a written Compliance Agreement, setting forth the remedial steps agreed to be taken in order to correct the misassignment(s) and establishing a deadline for meeting all of the terms of the agreement.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 39).

§ 80339.4. Referral to the Committee on Authorized Assignments and Issuance of Letter of Non–Compliance.

Failure to correct a misassignment following the procedures set forth in section 80339.3 shall result in the referral of the matter by staff to the Committee at the next meeting of the Committee as long as it is more than 30 days from staff notification. Commission files on the alleged misassignment shall be provided to the Committee and the Committee shall review the information contained in the record and determine if a misassignment occurred. If it decides that a misassignment has occurred, the Committee shall cause a letter of non–compliance to be issued to the local governing board of the subject school district. This letter shall set forth the nature of the misassignment and be signed by the Executive Director of the Commission and the members of the Committee. This letter shall be read at the first public meeting following its receipt by the presiding officer of the local governing board, and he or she shall so certify to the Commission in writing that this has been accomplished.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 93).

§ 80339.5. Referral to the Committee of Credentials.

If a misassignment has not been corrected within 30 days after the letter of non–compliance has been issued, the Committee shall review the matter again in order to determine whether more severe sanctions are appropriate. It shall, in appropriate cases, identify the individuals it determines to be responsible for the misassignment. It shall then report its findings in writing to the Committee of Credentials for further investigation and consideration of adverse action against the credentials of responsible certificated persons pursuant to Title 5, California Code of Regulations section 80335 and other statutes and regulations applicable to the jurisdiction and operation of the Committee of Credentials.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 39).

§ 80339.6. Rights of Certificated Persons.

When a certificated person files a written notice pursuant to Education Code section 44258.9(g)(2), that person may request the Committee to review any determination and decision by the county superintendent that an assignment is legally authorized. When a certificated person employed in a county–operated school files a written notice pursuant to Education Code section 44258.9(g)(2), that person may also request the Committee to review any determination and decision by the county superintendent that the assignment is legally authorized. In these cases, the county superintendent, the administrators immediately responsible for the misassignment, and the local governing board of the subject county will be treated in the same manner as those comparable individuals and bodies at the district level are treated in Title 5, California Code of Regulations sections 80339.2 through 80339.6.

When a certificated person who has been notified pursuant to Title 5, California Code of Regulations section 80339.2 that he or she is in an unauthorized assignment submits to the county superintendent of schools written verification of his or her effort to obtain an authorized assignment, he or she shall not be subject to penalties under Title 5, California Code of Regulations section 80339.5. Such verification may include, but need not be limited to, copies of written requests to the immediate administrator or supervisor, the district department for personnel matters, and the school superintendent.

NOTE: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

HISTORY

1. New section filed 9–20–93; operative 10–20–93 (Register 93, No. 39).

Chapter 4. Procedure for Application for, Adding Authorization to, and Renewal of Credentials

Article 1. General Provisions

§ 80400. Definitions.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44225, Education Code.

HISTORY

1. New Chapter 4 (Sections 80400–80550, not consecutive) filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Repealer filed 3–26–81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80403. Authority for Granting Credentials.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80406. Methods of Securing a Credential.

A qualified applicant may secure a credential by either of the following methods:

(a) Upon the recommendation of a California teacher education institution approved by the Commission pursuant to these regulations.

(b) Upon a direct application to the Commission filed in a manner provided in Article 2 of this chapter.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80056 to Section 80406 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80409. Qualified Applicant.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44862, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80412. Filing of Mailing Address.

(a) Every person applying for, holding, or to whom is issued, a credential, shall file with the Commission his or her present mailing address and shall notify the Commission in writing of any change therein.

(b) Such filing of address and notice of change therein shall be made in writing and delivered, or forwarded by mail, postage prepaid, to the office of the Commission on Teacher Credentialing.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(q), Education Code.

HISTORY

1. Change without regulatory effect amending subsection (a) and repealing subsection (b) filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).
2. New subsection (b) and amendment of NOTE filed 3–24–2005; operative 4–23–2005 (Register 2005, No. 12).

§ 80413. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California.

(a) The minimum requirements for the five–year preliminary multiple and single subject teaching credentials for California–prepared applicants shall include successful completion of all of the following:

(1) A baccalaureate degree or higher degree, except in professional education, from a regionally accredited institution of higher education.

(2) Passage of the California Basic Educational Skills Test (CBEST), as described in Education Code Section 44252, unless exempt by statutes or regulations.

(3) A Commission–approved multiple subject or single subject program of professional preparation, as appropriate to the credential sought as described in Education Code Section 44259(b)(3).

(4) Completion of a study of alternative methods of developing English language skills, including the study of reading, as provided in Education Code Section 44259(b)(4). In addition multiple subject applicants shall pass the reading instruction competence assessment as provided in Education Code Section 44283.

(5) Subject–matter knowledge:

(A) For a multiple subject credential, an applicant enrolled in a teacher preparation program prior to July 1, 2004 shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject–matter program as provided in Education Code Section 44310. An applicant enrolled in a teacher preparation program on or after July 1, 2004 shall meet this requirement by passage of an examination as provided in Education Code Sections 44280, 44281 and 44282.

(B) For a single subject credential, an applicant shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject–matter program as provided in Education Code Section 44310.

(6) Demonstration of knowledge of the Constitution of the United States as provided in Education Code Section 44335.

(7) Demonstration of basic competency in the use of computers in the classroom as provided in Education Code Section 44259(b)(7).

(8) The recommendation from a regionally accredited institution of higher education that has a Commission–approved program in the preliminary credential sought, as provided in Education Code Section 44227.

(b) The minimum requirements for the professional clear multiple or single subject teaching credentials must be completed within five years from the initial date of the issuance of the preliminary credential. The requirements include, successful completion of all of the following:

(1) Possession of a valid preliminary teaching credential.

(2) Effective August 30, 2004, completion of a Commission–approved program of beginning teacher induction as specified in Education Code Section 44259(c)(2). If a beginning teacher is eligible for induction but an employing agency verifies that induction is not available or the

employing agency verifies that the beginning teacher is required under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to complete subject matter course work to be qualified for a teaching assignment, the beginning teacher may complete a Commission-accredited fifth year program.

(3) A health education requirement, as provided in Education Code Section 44259(c)(4)(A).

(4) Special education training, as provided in Education Code Section 44259(c)(4)(B).

(5) Study of advanced computer-based technology, including the uses of technology in educational settings, as provided in Education Code Section 44259(c)(4)(C).

(6) Effective July 1, 2005 advanced study in the area of Teaching English Learners.

(7) An application for a professional clear multiple subject or single subject credential shall only be submitted by either (A) or (B) below:

(A) A Commission-approved induction program; or

(B) A regionally accredited institution of higher education with a Commission-accredited fifth year.

(c) All applicants for multiple subject and single subject professional clear credentials issued pursuant to Education Code Section 44259(c) with an issuance date on or after August 30, 2004 shall complete the requirements in subsection (b)(2) above.

(d) Definitions:

(1) The term "employing agency" as used in this section shall mean:

(A) Public school districts in California.

(B) County offices of education or county superintendents of schools in California.

(C) Schools that operate under the direction of a California state agency.

(D) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.

(E) Charter Schools as established in Education Code Section 47600.

(F) Private schools.

(2) A beginning teacher is one who is eligible to participate in a Commission-approved induction program.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44227, 44251, 44252, 44259, 44259.5, 44280, 44281, 44283, 44310 and 44335, Education Code.

HISTORY

1. New section filed 8-22-80; effective thirtieth day thereafter (Register 80, No. 34).
2. Amendment of section heading, section and NOTE filed 5-15-97; operative 6-14-97 (Register 97, No. 20).
3. Amendment of section and NOTE filed 5-26-2005; operative 6-25-2005 (Register 2005, No. 21).

§ 80413.1. Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared Outside California.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44227, 44252, 44259, 44280, 44281, 44310 and 44335, Education Code; and Section 67.5, Chapter 1247, Statutes of 1977.

HISTORY

1. New section filed 1-23-86; effective thirtieth day thereafter (Register 86, No. 4).
2. Repealer filed 1-31-2005; operative 3-2-2005 (Register 2005, No. 5).

§ 80413.2. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials Pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997.

NOTE: Authority cited: Sections 44225 and 44275.3, Education Code. Reference: Sections 44227(c), 44227(e), 44259(c) and 44275.3, Education Code.

HISTORY

1. New section filed 10-8-99; operative 11-7-99 (Register 99, No. 41).
2. Change without regulatory effect repealing section filed 7-31-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80413.3. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Experienced Out-of-State Credentialed Teachers.

(a) The following pertains to individuals who have five years of appropriate teaching experience in a state other than California.

(1) The minimum requirements for the five-year preliminary Multiple or Single Subject Teaching Credential are all of the following, (A) through (G).

(A) Five years of full-time teaching experience in the subject of the credential sought and in a state other than California.

(B) Rigorous performance evaluations.

(C) A valid teaching credential from another state, with a comparable authorization to the credential sought.

(D) Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education and appropriate to the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.

(E) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(F) In the case of an applicant for a five-year preliminary Single Subject Teaching Credential, completion of an academic major in the subject area of the credential sought.

(G) Passage of the California Basic Educational Skills Test (CBEST) described in Education Code §44252. A one-year nonrenewable Multiple or Single Subject Teaching Credential may be issued to an applicant who has not passed the CBEST and has satisfied subsections (a)(1)(A) through (a)(1)(F) above and Title 5 §80071.4(c).

(2) The minimum requirements for the professional clear Multiple or Single Subject Teaching Credential are both of the following:

(A) A five-year preliminary Multiple or Single Subject Teaching Credential issued pursuant to subdivision (a)(1), and

(B) Completion of 150 clock hours of activities addressing one or more of the following six standards. This may be satisfied by staff development, college course work or other activities related to the standards. When applying for the professional clear credential, a written list of the activities including a justification stating how each of the activities relates to the standard must be attached. An individual at the central office of a California school district or county office of education, or at a California school site who is responsible for curriculum and instruction in the authorization of the teacher's credential must sign the written justification agreeing that the activities relate to the standard(s) as stated. The individual must complete this requirement in California while holding the Multiple or Single Subject Teaching Credential issued pursuant to subdivision (a)(1).

1. Engaging and supporting all students in learning.
2. Creating and maintaining effective environments for student learning.
3. Understanding and organizing subject matter for student learning.
4. Planning instruction and designing learning experiences for all students.
5. Assessing student learning.
6. Developing as a professional educator.

(b) The following pertains to individuals who have three years of appropriate teaching experience in a state other than California.

(1) The minimum requirements for the three-year preliminary Multiple or Single Subject Teaching Credential are all of the following, (A) through (H).

(A) Three years of full-time teaching experience in the subject of the credential sought and in a state other than California.

(B) Rigorous performance evaluations.

(C) A valid teaching credential from another state, with a comparable authorization to the credential sought.

(D) Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education

and appropriate to the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.

(E) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(F) In the case of an applicant for a three–year preliminary Single Subject Teaching Credential, completion of an academic major in the subject area of the credential sought.

(G) An offer of employment from a California school district, county office of education or school operating under the direction of a California state agency that has one of the approved programs listed in (b)(2)(B) and a statement by the employer verifying intention to enroll the individual into the program. The document will be restricted to the requesting employer.

(H) Passage of the California Basic Educational Skills Test (CBEST) described in Education Code §44252. A one–year nonrenewable Multiple or Single Subject Teaching Credential may be issued to an applicant who has not passed the CBEST and has satisfied subsections (b)(1)(A) through (b)(1)(G) above and Title 5 §80071.4(c).

(2) The minimum requirements for the professional clear Multiple or Single Subject Teaching Credential are both of the following:

(A) A three–year preliminary Multiple or Single Subject Teaching Credential issued pursuant to subdivision (b)(1), and

(B) Completion of either of the following:

1. A program of beginning teacher support and assessment established pursuant to Education Code, Article 4.5 (commencing with §44279.1) of Chapter 2 of Part 25, or

2. An alternative program of beginning teacher induction that the commission determines, in collaboration with the Superintendent of Public Instruction, meets state standards for teacher induction.

(c) The following definitions apply to terms used in this section.

(1) Majors for the Single Subject Teaching Credential: Applicants for the Single Subject Teaching Credential must have a major in the fields identified below or in a closely related subject acceptable to the Commission.

(A) Agriculture: agribusiness, animal science, crop science, dairy science, natural resources management, horticulture, or soil science.

(B) Art: art history or studio art.

(C) Business: accountancy, business administration, finance or marketing.

(D) English: composition or literature.

(E) Foreign Language: French, German, Spanish, or another language other than English.

(F) Health Science: health science or public health.

(G) Home Economics: foods, nutrition, child development, interior design, or clothing.

(H) Industrial and Technology Education: industrial technology.

(I) Mathematics: mathematics.

(J) Music: instrumental or vocal.

(K) Physical Education: kinesiology or physical education.

(L) Science: Biological Sciences: biology, marine biology, anatomy, or botany.

(M) Science: Chemistry: chemistry or biochemistry.

(N) Science: Geoscience: astronomy, earth science, ecology, or geology.

(O) Science: Physics: physics.

(P) Social Science: geography, government, political science, or history. An applicant with a major in one of the disciplines of anthropology, economics, psychology or sociology may receive the credential in social science if he or she also has a minor in geography, government, political science, or history. A minor is defined as 20 semester units with a grade of "C" or better and obtained within the degree.

(2) Full–Time Teaching Experience: This is defined as teaching a minimum of 4 hours a day, unless the minimum statutory attendance requirement for the students served is less. Experience must be on a daily basis and for at least 75% of the school year. Experience may be accrued in increments of a minimum of one semester. No part–time or combination of teaching with other school employment will be accepted. All experience must be gained in public schools in states other than California while serving on that state's valid teaching credential that is comparable to the authorization sought. Experience may be gained in more than one state other than California. This experience must be verified on the official letterhead of the district or districts by the superintendent, assistant superintendent, director of personnel, or director of human resources in which the teacher was employed. Experience from outside of the United States will not be considered.

(3) Rigorous Performance Evaluations:

(A) The teaching effectiveness areas on the performance evaluations must include, but are not limited to, all of the areas, 1. through 4., below. If these areas are not included in the evaluations, the individual may submit a supplemental letter, on district letterhead, signed by the individual's principal or personnel officer in the district in which the evaluations took place. If an evaluation or supplemental letter cannot be obtained that includes all of the four areas, then the individual would not qualify under this section. Verification of the authenticity of the evaluation letters must be given in writing by a personnel officer in the district in which the evaluations took place.

1. The use of teaching strategies that motivates all students to engage in the learning process.

2. The ability to establish and maintain high standards for student behavior.

3. A demonstration of deep knowledge of the subject being taught and the use of appropriate instructional strategies that promote student understanding.

4. An ability to plan and implement a sequence of appropriate instructional activities.

(B) Evaluations of the teacher's performance for at least two of the years of teaching experience from a state other than California must be submitted with at least one evaluation within the last two years of the experience.

(C) Evaluation ratings must be satisfactory or better.

[The next page is 451.]

(d) An individual who has previously been issued a California Multiple or Single Subject Teaching Credential based on Education Code §44274 is not eligible for a credential issued under this section.

(e) An individual who has previously been issued a California Multiple or Single Subject Teaching Credential, based on other than Education Code §44274, is eligible for a credential issued under this section provided that the following (1) and (2) are met.

(1) Verification of all provisions of (a)(1) or (b)(1), and

(2) If the individual has California public school teaching experience in the authorization of the credential sought, submission of the most recent rigorous performance evaluation.

(3) If qualifying under (a)(1), the credential will be valid either five years from the issuance date of the original preliminary credential or three years from the date of application under (a)(1), which ever expires later.

(4) If qualifying under (b)(1), the credential will be valid three years from the date of application.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44252, 44274, 44274.2, 44274.4 and 44279.1, Education Code.

HISTORY

1. New section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51).

§ 80414. Specific Requirements, Period of Validity and Authorization for the Teacher Trainee Certificate.

NOTE: Authority cited: Sections 44225 and 44325, Education Code. Reference: Sections 44328 and 44830.3, Education Code.

HISTORY

1. New section filed 1–22–86; effective thirtieth day thereafter (Register 86, No. 4).
2. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80415. Course in the United States Constitution.

(a) Each applicant for a teaching credential, except the designated subjects teaching credential authorizing part–time employment only, shall provide to the Commission evidence that the applicant has, pursuant to Education Code Section 44335, successfully fulfilled one of the following requirements:

(1) An examination on the provisions and principles of the Constitution of the United States completed in a regionally accredited community college, college or university; or

(2) Two semester units of work on the provisions and principles of the Constitution of the United States.

(b) A second credential of the same kind shall not be granted to a person until the above requirement has been met.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44335, Education Code.

HISTORY

1. Amendment filed 3–26–81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80418. Reading Requirement.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44259 and 44285, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80421. Health Education Unit Requirement.

The health education unit requirement specified in Education Code Section 44259(c)(1) shall be required of each applicant for a full or professional clear teaching credential issued in accordance with the provisions of Section 44259 of the Education Code. This requirement may be satisfied by a course of study of at least one semester unit, or its equivalent, which may be offered or accepted by an accredited community college, college, or university. This required program of study shall not be required as part of the professional preparation. The teacher education institution recommending the applicant for a full or professional clear credential shall certify that the applicant has completed satisfactorily the required course of study.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44259, Education Code.

HISTORY

1. Renumbering from Section 80032.1 to Section 80421 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Change without regulatory effect amending section and NOTE filed 12–16–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

§ 80422. Computer Education Coursework for the Clear Teaching Credential.

NOTE: Authority cited: Sections 44225(b) and 44261.7, Education Code. Reference: Section 44261.7, Education Code.

HISTORY

1. New section filed 2–16–88; operative 3–17–88 (Register 88, No.9).
2. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80424. Fifth Year of Study.

(a) The Commission finds that the fifth year of study is an integral element of the teacher education program, and provides the potential teacher with much greater opportunity following completion of the relatively rigid course requirements of the baccalaureate degree program to select a course or program of study designed to improve the teacher's competence and skills, and which is more suited to the candidate's particular professional interests. In recognition of these facts, the Commission expects that the design of the fifth year course of study will be a large responsibility of the teacher candidate in cooperation and consultation with the accredited college or university.

(b) The teacher candidate may select either a student–designed fifth year of study approved by the institution or an institution–designed fifth year of study. The fifth year of study selected by the teacher–candidate shall be a Commission–approved program, and shall be a full academic year, or its equivalent, at the postgraduate level taken at an accredited college or university.

(c) In furtherance of the foregoing concepts, the Commission shall permit a wide latitude for fifth year programs, including, but not limited to the following purposes:

(1) Additional subject matter preparation including, but not limited to, pursuit of a master's or higher degree;

(2) Completion of an approved program for an advanced or specialized credential;

(3) Study undertaken for in–service training for which college or university credit is given; and

(4) Study undertaken to complete an approved program of professional preparation.

(d) If a college or university refuses to approve a fifth year of study for a teacher–applicant, it shall state its reasons in writing to the applicant. The applicant shall thereafter have the right to appeal the decision of the institution directly to the Commission. In doing so, the applicant shall submit to the Commission a copy of his or her program for the fifth year of study and other supporting documents, including a copy of he college or university's written reasons for refusal. The Commission shall evaluate the materials submitted and determine whether to approve the fifth year of study.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80059 to subsections (a), (b) and (c) of Section 80424 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Renumbering from Section 80060 to subsection (d) of Section 80424 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80427. Interruption of Preparation by Military Service.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 2. Direct Application to the Commission

§ 80430. Direct Application: When Permitted.

(a) An applicant who can demonstrate the completion of preparation equivalent to that required by California statutes and regulations may submit an application to the Commission for a credential based upon equivalent preparation. The application shall include the following:

(1) the titles of credentials held by the applicant.

(2) a description and evidence of the education and specialized training of the applicant.

(3) if the applicant pursued part or all of his or her professional preparation program at a college or university with a Commission approved program, written explanation of refusal to recommend, by the institution of higher education, including a statement that the applicant has exhausted all appeals through that institution.

(4) a description of the relevant experience of the applicant.

(5) any assessment of the applicant's performance deemed useful to review of the application, excluding standardized examinations for which California has not established passing standards.

(6) other evidence of education, training or performance deemed by the applicant to be useful in reviewing the application.

(7) a completed Application for Credential Authorizing Public School Service (form 41–4, rev 4–94) and the fee(s) as specified in Section 80487.

(b) The Commission shall evaluate the materials submitted, consider the reasons for refusal, when applicable, by a college or university and determine whether to issue the credential sought.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

HISTORY

1. Renumbering from section 80057 to section 80430 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Amendment of section and new NOTE filed 4–20–94; operative 5–20–94 (Register 94, No. 16).

§ 80430.1. Direct Applications for Individuals Prepared Outside of California.

Individuals who completed a professional education program outside California may apply directly to the Commission for their initial California teaching credential. Such teachers shall be assessed according to the procedures in Education Code Section 44227(e) and 44227(f) and according to the description of the fifth year of study in Section 80424 of these regulations.

NOTE: Authority cited: Sections 44225(b), Education Code. Reference: Section 44227, Education Code.

HISTORY

1. New section filed 1–23–86; effective thirtieth day thereafter (Register 86, No. 4).

§ 80430.2. Comparable and Equivalent Teacher Preparation; Reciprocity.

(a) The phrase "teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in California" as used in Education Code Section 44274 shall mean teacher preparation in a state that has 1) comparable accreditation standards and procedures, 2) comparable multiple subject, single subject or special education program standards or requirements, and 3) comparable subject matter programs, as determined by Commission action.

(b) All applicants for a credential pursuant to Education Code Section 44274 shall meet the requirements for California teacher fitness pursuant to Education Code Sections 44339, 44340 and 44341, and demonstrate basic skills proficiency pursuant to Education Code Sections 44252 and 44252.5.

(c) This section shall govern documents with an issuance date of January 19, 2000, or later subject to Commission action approving comparability of state accreditation standards and procedures, comparable multiple subject, single subject, or special education program standards or requirements, and subject matter in one or more credential areas. Applicants who completed a teacher preparation program within three years prior to or three years immediately following the date of Commission action, and who hold or are eligible for a credential in the state where the program was completed, shall be eligible, under this section, for the appropriate credential as follows:

(1) five–year preliminary Multiple Subject Teaching Credential, or

(2) five–year preliminary Single Subject Teaching Credential, or

(3) certificate of eligibility or preliminary level I Education Specialist Instruction Credential, or

(4) professional clear Clinical or Rehabilitative Services Credential.

(d) The minimum requirements for the professional clear Multiple Subject Teaching Credential or Single Subject Teaching Credential for those eligible under subsection (c)(1) or (c)(2) are all of the requirements in Education Code Section 44259(c) unless already completed per Education Code Section 44227(e) or approved under the comparability study established in Education Code Section 44274.

(e) The minimum requirements for the professional clear level II Education Specialist Instruction Credential for those eligible under subsection (c)(3) are all of the requirements in the California Code of Regulations, Title 5 Section 80048.4 unless approved under the comparability study established in Education Code Section 44274.

(f) An individual who has previously been issued a California Multiple Subject Teaching Credential, Single Subject Teaching Credential, Specialist Instruction Credential in Special Education, or Education Specialist Instruction Credential under another provision of the Education Code that pertains to teachers trained outside of California may be eligible for a credential under this section. The credential shall be issued for five years from the issuance date of the original preliminary or level I credential or for three years from the date of application, whichever is longer.

NOTE: Authority cited: Section 44225(q), Education Code. Reference. Sections 44225(d), 44227(e), 44252, 44252.5, 44259(c), 44274, 44339, 44340 and 44341, Education Code.

HISTORY

1. New section filed 1–19–2000 as an emergency; operative 1–19–2000 (Register 2000, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–18–2000 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1–19–2000 order, including amendment of section and NOTE, transmitted to OAL 5–17–2000 and filed 6–21–2000 (Register 2000, No. 25).

§ 80433. Application Form.

(a) An application for a credential shall be made on the application form provided by the Commission.

(b) Each applicant for a credential shall submit such additional information relating to qualification to receive a credential as the Commission may require.

NOTE: Authority cited: Section 44225, Education Code.

§ 80434. Acceptance of Electronic Signature.

An "electronic signature" as defined in Section 80001(*l*) may be used to sign any document required by the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. New section filed 5–8–2002 as an emergency; operative 5–8–2002 (Register 2002, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–5–2002 or emergency language will be repealed by operation of law on the following day.
2. A Certificate of Compliance as to 5–8–2002 order, including amendment of section, transmitted to OAL 9–5–2002 and filed 10–17–2002 (Register 2002, No. 42).

§ 80435. Official Transcript.

(a) For purposes of authenticity and legibility, official transcripts or verification–of–true–copy will be required with each application for a credential, certificate or permit submitted on and after September 1, 1983;

(b) California colleges with approved programs, school districts, county offices, and other state agencies shall meet this requirement either

by submitting official transcripts with the application or by verification of the copy as a true–copy of the official transcripts by one of the following means:

(1) A recommendation by the college for the credential;

(2) a statement submitted to the Commission, on a one–time basis, by the college, school district, county office or other state agency describing their internal procedure or policy verifying the authenticity of the transcript;

(3) a statement or stamp signed or initialed by the designated agency representative verifying each set of transcripts, that the copy is an authentic duplicate of the official transcript;

(c) applicants applying directly to the Commission, for a credential, certificate, or permit shall be required to submit official transcripts with the credential application;

(d) applications submitted with illegible transcripts, or submitted by colleges, school districts, county offices or other state agencies who have not met the requirements specified in subsection (b) shall be returned to the sender for proper verification or for official transcripts;

(e) an official transcript is defined as one that bears the signature in ink of the registrar and/or the impressed seal of the institution.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. New section filed 7–22–83; effective thirtieth day thereafter (Register 83, No. 30).

§ 80436. Place of Filing of Application.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1–12–99; operative 2–11–99 (Register 99, No. 3).

§ 80439. Date of Filing of Application.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1–12–99; operative 2–11–99 (Register 99, No. 3).

§ 80440. Date of Issuance of Credentials.

(a) The issuance date of a credential may be determined by an office of the county superintendent of schools, a school district, a local education agency, a non–public school, non–sectarian school or agency certified by the California Department of Education, a California institution of higher education with a program accredited by the Committee of Accreditation or the California Commission on Teacher Credentialing provided the following conditions are satisfied:

(1) all the requirements for the credential were met prior to the issuance date of the credential, and

(2) the application is submitted to the Commission not more than three months after the issuance date of the credential.

(b) The issuance date for a credential recommended by a California institution of higher education with a program accredited by the Committee on Accreditation shall be the date of completion of all requirements for the credential or later as established by the institution provided the application is submitted to the Commission not more than three months after the issuance date of the credential.

(c) The issuance date of the renewal of a credential will be the same as the expiration date of the credential to be renewed, provided all of the following conditions are satisfied:

(1) the renewal application is submitted to one of the agencies listed in (a) above within one year prior to the expiration date;

(2) the renewal application is submitted to the Commission not more than three months after the issuance date of the credential; and

(3) all the requirements for the credential were met prior to the issuance date of the credential.

(d) If the conditions described in (a), (b), or (c) above are not satisfied, the issuance date will be the date the application is received by the Commission or the date the applicant meets all of the requirements for the credential, whichever date comes later.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44350, Education Code.

HISTORY

1. Renumbering and amendment of former Section 80463 to Section 80440 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 1–12–99; operative 2–11–99 (Register 99, No. 3).
3. Amendment of subsections (a)(2), (b) and (c)(2) and amendment of NOTE filed 5–1–2008; operative 5–31–2008 (Register 2008, No. 18).

§ 80441. Notification to the Employers of Temporary County Certificate (T.C.C.) Holders.

(a) It is the intent of Education Code Section 44332 that the Commission provide notification of the status of an application for a credential, certificate, or permit to the employers of temporary county certificate holders prior to the 120 day expiration date of the T.C.C. In order for the Commission to provide such notification the school district or county superintendent of schools office shall specify T.C.C. and the expiration date of the T.C.C. in the space provided on the application form when the application is filed with them.

(b) In situations where the statutory certifications of Education Code Section 44332 do not apply, the Commission shall provide the following information on the status of an application for a credential, certificate, or permit to the appropriate county superintendent of schools office before the expiration of the 120 day period:

(1) notification that a credential, certificate or permit document has been issued;

(2) notification that all requirements, for each credential, certificate, or permit have been met and the appropriate document will be issued;

(3) notification that all requirements for the credential, certificate, or permit have been met except that the fingerprint cards, required by Education Code Sections 44340 and 44341, have not been processed and returned by the California Department of Justice and/or the Federal Bureau of Investigation;

(4) notification that an application has been returned because application information initially required was not properly provided; or

(5) notification that an application has been denied.

(c) The county superintendent of schools shall provide the Commission with a listing of all applicants serving on a T.C.C. for whom notification, pursuant to subsection (b), has not been received as of ten (10) school days prior to the expiration date of the T.C.C. This listing shall be forwarded to the Commission immediately and shall include all of the following information for each applicant:

(1) the full name;

(2) the social security number;

(3) the birthdate;

(4) the type of credential, certificate, or permit for which application was made, when available;

(5) the date of filing of the application, when available;

(6) the date the application was submitted to the Commission, when available;

(7) the effective date of the temporary county certificate;

(8) the expiration date of the temporary county certificate.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44332, Education Code.

HISTORY

1. New section filed 9–27–83; effective thirtieth day thereafter (Register 83, No. 40).

§ 80442. Personal Identification Cards.

(a) Except as provided in subsection (c), each applicant for a credential shall submit with the application duplicate personal identification cards provided by the Commission or obtained from the Bureau of Identification of the Department of Justice. Such identification cards shall be completed in the manner required by the instructions on the card.

(b) The fingerprints of the applicant shall be taken by a qualified officer or employee of the state, or of any political subdivision thereof, or by a person designated by the Commission.

(c) Where an applicant is seeking an additional credential and has filed personal identification cards in connection with a previous credential, or renewal thereof, said applicant need not file subsequent cards except upon express request by the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44340, Education Code.

§ 80443. Processing Time for Credentials and Permit.

(a) The processing time for all credentials and permits shall meet all of the following criteria:

(1) The Commission on Teacher Credentialing shall reach an issuance decision for a credential or permit and notify the applicant within fifty (50) business days of the receipt of the application. The processing time of fifty (50) business days in these cases will commence upon receipt of the resubmitted complete application;

(2) An application is determined complete when all materials needed for processing and all facts required by the law are included.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44350, Education Code.

HISTORY

1. New section filed 7–11–85; effective thirtieth day thereafter (Register 85, No. 28).
2. Amendment of section and NOTE filed 5–1–2008; operative 5–31–2008 (Register 2008, No. 18).

§ 80445. Transcripts of Record.

Each direct application for a credential shall be accompanied by accurate and clear transcripts of record listing college and university courses, including grades earned, completed in fulfillment of the requirements for the credential sought. Such transcripts of record shall also evidence the fulfillment of the scholarship requirements specified in Section 80454.

NOTE: Authority cited: Section 44225, Education Code.

§ 80448. Affidavits in Lieu of Official Transcripts.

(a) This section shall apply where an applicant is unable to furnish an accurate and clear transcript of record from an institution because the institution has ceased to exist and the records of that institution have been destroyed, or because the records of the institution are otherwise unavailable.

(b) The Commission may, in lieu of such accurate and clear transcript of record, accept an affidavit from a reputable person stating in effect that he or she was acquainted with the institution and that the applicant attended such institution.

(c) In addition to the requirements of subsection (b), the applicant shall complete and furnish an affidavit which shall include the following information:

(1) A statement that such person attended the institution named in subsection (b).

(2) A list of courses taken and a brief description of such courses.

(3) A statement that to the best of his or her knowledge and belief, such courses as are named in the affidavit have been completed.

(d) To supplement the information required under this section, the Commission may require additional facts to be furnished to the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. Amendment of subsection (c) filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80451. Fees.

Each application for a credential shall be accompanied by the fees specified in Section 80487 for the issuance of a credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80454. Scholarship Requirements.

(a) When applying to the Commission for a credential, the applicant shall meet the scholarship requirements set out in this section.

(b) In courses above the twelfth grade which are offered toward fulfillment of requirements for a credential, the applicant shall have a grade point average of C or better on an A through F grading pattern, or a grade point average that is required by an approved educational institution for granting a degree, whichever is higher.

(c) Each assignment in directed teaching or other field work requirement shall meet the minimum passing standards established by the institution of higher education where the program was completed so long as the relevant grade is not lower than a C on an A through F grading pattern.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(a), Education Code.

HISTORY

1. Amendment filed 12–10–86; effective thirtieth day thereafter (Register 86, No. 50).
2. Amendment of section and NOTE filed 9–20–94; operative 10–20–94 (Register 94, No. 38).

§ 80457. Acceptance of College or University Work for Purposes of Certification in California.

(a) For the purposes of certification, a degree must be completed in a regionally accredited institution of higher education, unless otherwise stated in statutes or regulations. Course work taken at an institution of higher education that is not regionally accredited, may be used towards certification if it is accepted by a regionally accredited institution of higher education for degree granting purposes, unless otherwise stated in statutes or regulations. A degree taken at an institution of higher education that is not regionally accredited but that was accepted towards certification under prior regulations, may be used towards future certification. An individual holding a degree taken at an institution of higher education that is not regionally accredited but who is given unconditional graduate standing by a regionally accredited institution and is admitted to a Commission–approved credential program by July 1, 1995, may use the degree toward certification only if the individual qualifies and applies for the credential by July 1, 1997.

(b) Course work requirements completed through the California campus or center of an out–of–state institution of higher education will meet credential requirements only if a satisfactory evaluation of the program by the regional accrediting agency of the out–of–state institution has been submitted to the Commission, and the Commission has approved the program.

(c) Course work, programs, or degrees completed in an institution of higher education outside of the United States are acceptable toward certification when the Commission or an evaluating agency approved by the Commission, based on the standards contained in *The Criteria for Agencies Seeking Approval to Review Foreign Academic Programs for Equivalency to United States Standards*, January 1, 1996 edition, has determined that such institution's course work, programs, or degrees are equivalent to those offered by a regionally accredited institution in the United States. The Commission reserves the right to accept or reject an approved evaluating agency's determination.

(d) For certification purposes, an accredited institution, accredited college, or accredited university is defined as a regionally accredited institution of higher education, unless otherwise defined in statutes or regulations.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44227 and 44252, Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of subsections (a)–(b), repealer of subsections (c)–(d), new subsection (d) and amendment of NOTE filed 5–30–95; operative 6–29–95 (Register 95, No. 22).
3. Amendment of subsection (c) filed 2–8–96; operative 3–9–96 (Register 96, No. 6).
4. Amendment of subsection (b) filed 1–31–2005; operative 3–2–2005 (Register 2005, No. 5).

§ 80460. Issuance of Credentials.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80463. Date of Issuance of Credentials.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering and amendment to Section 80440 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1–12–99; operative 2–11–99 (Register 99, No. 3).

§ 80466. Teaching Experience in Lieu of Professional Preparation.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44320 and 44321, Education Code.

HISTORY

1. Repealer filed 6–1–2004; operative 7–1–2004 (Register 2004, No. 23).

§ 80469. Delivery of Credentials to a County Superintendent of Schools.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 3. Recommendation of the Applicant by the Institution

§ 80472. Completion of Approved Program or Its Equivalent.

In addition to any other requirements specified for obtaining any credential, an applicant for a credential shall fulfill one of the following requirements:

(a) A California college or university offering a Commission–approved program of professional preparation as a requirement for the credential shall certify that the applicant has completed its approved program and shall recommend the applicant for the appropriate credential; or

(b) An applicant whose professional preparation for a multiple or single subject teaching credential was completed in a state with which California has a reciprocity agreement signed pursuant to Section 12509 of the Education Code, shall receive a preliminary credential, and shall be required to complete all requirements specified in Section 80413(b), for renewal of the preliminary credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 12500, 44226, 44227 and 44252, Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80473. Allowance of Grace Period To Complete Requirements: Definitions & Terms.

For the purposes of this section and section 80473.1, the following definitions and terms apply:

(a) A commission–accredited preparation program includes: (1) an internship program as defined in Article 7.5 (commencing with Section 44325), Chapter 2, Part 25, Division 3, Title 2 of the Education Code; (2) an internship program as defined in Article 3 (commencing with Section 44450), Chapter 3, Part 25, Division 3, Title 2 of the Education Code; (3) a professional preparation program as defined in Article 7 (commencing with Section 44320), Chapter 2, Part 25, Division 3, Title 2 of the Education Code; and (4) an integrated program of professional preparation as defined in Education Code Section 44259.1.

(b) "Enrolled" refers to an individual who, on or after January 1, 2002, continuously participates in and is working toward completing the requirements for a program that meets the minimum requirements for a California preliminary multiple or single teaching credential.

(c) "Continuously Enrolled" refers to an individual who has begun a teacher preparation program and does not have a break in that program that exceeds a period of 18 months.

(d) "New or Amended Requirements" refers to requirements added by statutes, regulations and commission standards.

NOTE: Authority cited: Sections 44225 and 44252.1, Education Code. Reference: Sections 44252.1, 44259, 44259.1, 44279.4, 44320, 44325 and 44450, Education Code.

HISTORY

1. New section filed 7–18–2003; operative 8–17–2003 (Register 2003, No. 29).

§ 80473.1. Allowance of Grace Period To Complete Requirements.

(a) A credential candidate enrolled in a commission–accredited multiple or single subject preparation program shall have up to twenty–four months after enrollment, during which time new or amended program requirements shall not apply to that candidate.

(b) A credential candidate may extend up to twelve months in addition to the time specified pursuant to subsection (a) to complete a credential program without additional requirements, if the candidate can demonstrate extenuating circumstances, including but not limited to, personal or family illness, bereavement or financial hardship, and develops a plan to complete the credential program in consultation with the program provider.

(c) Candidates completing integrated programs of professional preparation under Education Code Section 44259.1:

(1) A candidate continuously enrolled in an integrated program of professional preparation on or after January 1, 2002, shall not be held to any new requirements, as long as the candidate does not change the type of credential or program he or she is pursuing.

(2) A candidate continuously enrolled in an integrated program of professional preparation and who has completed all requirements necessary to begin student teaching is eligible to receive an extension of twelve months when necessary to complete the outstanding requirements that were in place when the candidate enrolled in the program. Further, the candidate shall not be held responsible for any new requirements added once student teaching has begun.

(3) This subsection (c) will sunset on January 1, 2006.

(d) A modification of a credentialing examination made as a result of a validity study or a passing standard study shall not be considered a new requirement.

(e) If required coursework not yet taken by the candidate is modified, the candidate shall take the modified coursework, unless it is not readily available, would result in an increased cost to the candidate or would delay the completion of the program.

(f) Once a candidate has received a preliminary teaching credential pursuant to Education Code Section 44259 and is employed as the teacher of record in a California public school, he or she will not be held to any new requirements for completing the induction phase, which is required to obtain the professional clear teaching credential pursuant to Education Code Section 44279.4, for a period not to exceed the length of time provided for the preliminary teaching credential pursuant to Education Code Section 44251.

(g) The Commission shall maintain a list of candidates who are allowed an extended time period under this section. This list shall include the projected date of program completion for each candidate.

NOTE: Authority cited: Sections 44225 and 44252.1, Education Code. Reference: Sections 44252.1, 44259, 44259.1, 44279.4, 44320, 44325 and 44450, Education Code.

HISTORY

1. New section filed 7–18–2003; operative 8–17–2003 (Register 2003, No. 29).

§ 80475. Application Form.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80478. Date of Filing of Application; Date of Issuance.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80481. Personal Identification Cards.

(a) The college or university recommending an applicant to the Commission shall provide said applicant with personal identification cards pursuant to Section 80442.

(b) The applicant shall complete the personal identification cards and return them to the recommending college or university. The college or university shall forward these documents to the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44340, Education Code.

§ 80484. Fees.

Each application for a credential pursuant to this article shall be accompanied by a fee specified in Section 80487 for the issuance of a credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 4. Fees for Credentials

§ 80487. Fees.

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

(1) The fee for the issuance, reissuance, or renewal of credential shall be fifty–five dollars unless otherwise established by law.

(2) The fee for a duplicate credential or to change a name on a credential shall be one–half the fee specified in (a)(1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) The fee for the state basic skills proficiency test shall be forty–one dollars.

(5) Twenty–four dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information on applicants for credentials.

(6) Thirty–two dollars, or the actual fee charged if it is different from this amount, to reimburse the Commission for the amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(7) The fee for the Certificate of Clearance as specified in Section 80028 shall be one–half the fee in (a)(1) or the credential fee established by law.

(b) Except for the fee specified in (a)(4), the fees shall accompany the application for issuance, reissuance or renewal, or the request for a duplicate credential or name change; the fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential or subsequently finds a reportedly lost or destroyed document.

(c) The fee for examination administered by a contractor on behalf of the Commission shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has all the qualifications for a credential at the time the application is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within sixty days.

NOTE: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, 44253.10, 44280, 44289, 44298, 44332.5(b), 44339, 44340, 44341, 44352, 52134 and 52178, Education Code; and Section 11105(e), Penal Code.

HISTORY

1. Amendment of subsection (a) filed 4–23–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 17). For prior history, see Register 83, No. 32.
2. New subsection (a)(8) filed 8–17–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 33).
3. New subsection (a)(9) filed 3–29–85; designated effective 3–30–85 pursuant to Government Code section 11346.2(d) (Register 85, No. 13).
4. Amendment of subsections (a)(6) and (a)(7) filed 4–15–85; designated effective 4–15–85 pursuant to Government Code section 11346.2(d) (Register 85, No. 18).
5. Amendment of subsections (a)(6) and (a)(7) filed 12–4–85; effective thirtieth day thereafter (Register 85, No. 49).
6. Amendment of subsections (a), (b) and (c) filed 4–8–88; operative 5–8–88 (Register 88, No. 17).
7. Editorial correction of printing error in subsections (a)(2), (a)(6) and (a)(8) (Register 92, No. 24).
8. Amendment of subsection (a)(1) filed 7–9–92; operative 8–10–92 (Register 92, No. 28).
9. Amendment of subsection (a)(5) and NOTE filed 12–27–93; operative 1–26–94 (Register 93, No. 53).
10. Amendment of subsections (a) and (a)(1) filed 11–17–94 as an emergency; operative 1–1–95 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 5–1–95 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 11–17–94 order including amendment of subsection (a)(1) transmitted to OAL 2–28–95 and filed 4–10–95 (Register 95, No. 15).
12. New subsection (g) and amendment of NOTE filed 5–13–97; operative 6–12–97 (Register 97, No. 20).
13. Amendment of subsection (a)(5) filed 12–26–2001; operative 12–26–2001 pursuant to Government Code section 11343.4 (Register 2001, No. 52).
14. Amendment filed 2–28–2007; operative 3–30–2007 (Register 2007, No. 9).

§ 80490. Renewal of Credentials.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

HISTORY

1. Amendment of subsection (c) filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1–12–99; operative 2–11–99 (Register 99, No. 3).

§ 80493. Terms of Issuance and Renewal of Credentials.

(a) Unless otherwise provided by law and regulations, all credentials shall be issued for a period of five years.

(b) Credentials, which have as a prerequisite the possession of another credential, shall have the same expiration date as the prerequisite credential. In the event the prerequisite credential has been issued for life, the credential will be issued for a period of five years.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44251, 44252 and 44348, Education Code.

HISTORY

1. Renumbering from Section 80032 to Section 80493 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80496. Failure to Renew Because of Illness, Military Service, or Other Serious Reasons.

In the event the holder of a Ryan Act teaching or services credential, granted in accordance with the Teacher Preparation Law of 1970, fails to meet renewal or reissuance requirements specified by the Commission because of illness of the applicant or immediate family, military service, or other serious reasons, the holder may petition the Commission for a new preliminary, postponement, emergency, or clear credential. The issuance shall be within the discretion of the Commission after it has given due consideration to the circumstances set forth in the petition.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44344, Education Code.

HISTORY

1. Renumbering from Section 80058.1 to Section 80496 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80499. Requirements for Adding an Authorization to an Existing Credential.

(a) A qualified applicant who holds a teaching credential as described in (b) and desires an additional authorization may apply for the authorization by recommendation of an institution approved by the Commission to recommend for the authorization, or may apply directly to the Commission pursuant to (c), (d), (e) or (f) below.

(b) The following definitions apply only to §80499. A "qualified applicant" is defined as a holder of a valid credential that meets the definition of a "basic teaching credential" pursuant to Education Code §44203(e)(1) only. The "holder of a valid credential" is defined as an individual who possesses the appropriate, valid basic teaching credential.

(c) A qualified applicant holding a valid clear, life or professional clear Multiple or Single Subject Teaching Credential may obtain an additional authorization when the holder has verified either (1), (2), or (3) below.

(1) The holder of a Multiple Subject Teaching Credential may obtain a Single Subject Teaching Credential by verifying both of the following requirements:

(A) subject matter knowledge in the requested area by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program, and

(B) a course of three semester or four quarter units in subject matter pedagogy directly related to teaching in a departmentalized setting.

(2) The holder of a Single Subject Teaching Credential may obtain a Multiple Subject Teaching Credential by verifying all of the following requirements:

(A) subject matter knowledge in the requested area by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program,

(B) a course of three semester or four quarter units in subject-matter pedagogy directly related to teaching in a self-contained setting, and

(C) study of alternative methods of developing English language skills as described in Education Code Sections 44259(b)(4) and 44283. This requirement may be satisfied by either completion of coursework or by passage of the Reading Instruction Competence Assessment (RICA) at the level required for the Multiple Subject Teaching Credential.

(3) The holder of a Single Subject Teaching Credential may obtain a Single Subject Teaching Credential in an added authorization by verifying the following requirement:

(A) subject matter knowledge in the requested area by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program.

(4) A grade of "C" or better, "Pass," or "Credit," must be earned in the coursework in the study of alternative methods of developing English language skills and the subject-matter pedagogy.

(5) The applicant will be granted a clear multiple or single subject teaching authorization if the credential held is a clear or life. The applicant will be granted a professional clear multiple or single subject teaching authorization if the credential held is a professional clear.

(d) A qualified applicant holding a valid preliminary Multiple or Single Subject Teaching Credential may obtain a preliminary multiple or single subject teaching authorization when the holder has verified successful completion of (1), (2), and (3) below:

(1) The holder of a Multiple Subject Teaching Credential may obtain a Single Subject Teaching Credential by verifying all of the following requirements:

(A) subject matter knowledge in the requested area by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program,

(B) a course of three semester or four quarter units in subject matter pedagogy directly related to teaching in a departmentalized setting,

(C) study of alternative methods of developing English language skills, as described in Education Code Section 44259(b)(4), and

(D) demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Education Code Section 44335.

(2) The holder of a Single Subject Teaching Credential may obtain a Multiple Subject Teaching Credential by verifying all of the following requirements:

(A) subject matter knowledge in the requested area by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program,

(B) a course of three semester or four quarter units in subject matter pedagogy directly related to teaching in a self-contained setting,

(C) study of alternative methods of developing English language skills as described in Education Code Sections 44259(b)(4) and 44283. This requirement may be satisfied by either completion of coursework or by passage of the RICA at the level required for the Multiple Subject Teaching Credential, and

(D) demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Education Code Section 44335.

(3) The holder of a Single Subject Teaching Credential may obtain a Single Subject Teaching Credential in an added authorization by one of the following methods:

(A) The holder of a Single Subject Teaching Credential may obtain a Single Subject Teaching Credential in an added authorization by verifying the requirements described in (A), (C), and (D) of (d)(1). It will be valid for five years from the original issuance date of the initial preliminary Single Subject Teaching Credential.

(B) The holder of a Single Subject Teaching Credential may obtain a Single Subject Teaching Credential in an added authorization by verifying subject matter knowledge described in (A) of (d)(1). It will be valid for two years from the original issuance date of the initial preliminary Single Subject Teaching Credential.

(4) A grade of "C" or better, "Pass," or "Credit," must be earned in the coursework in the study of alternative methods of developing English language skills and the subject-matter pedagogy.

(5) The applicant will be granted a 5-year preliminary multiple or single subject teaching authorization, with the exceptions described in (d)(3). Upon completion of all requirements for the professional clear credential as specified in Education Code, Section 44259(c), the qualified applicant may be granted a professional clear single or multiple subject teaching authorization.

(e) A qualified applicant holding a valid teaching credential obtained prior to January 1, 1974, who has completed a fifth year program after earning a baccalaureate degree at a regionally accredited institution may obtain a clear multiple or single subject teaching authorization by verifying subject matter knowledge in the requested area. Subject matter knowledge can be verified by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program.

(f) A qualified applicant holding a valid teaching credential obtained prior to January 1, 1974, but who has not yet completed a fifth year program after earning a baccalaureate degree at a regionally accredited institution, may obtain a preliminary multiple or single subject teaching authorization when the holder has verified subject matter knowledge in the requested area by completion of either the appropriate subject-matter examination(s) adopted by the Commission, or a Commission-approved subject-matter program. Upon completion of a fifth year program including the recommendation of a Commission-approved institution, the qualified applicant may be granted a clear multiple or single subject teaching authorization.

(g) When a teacher is assigned outside his or her grade level or subject-matter authorization, opportunities for the teacher to have available tran-

sitional supervision or training shall be provided as deemed appropriate by the district or county superintendent.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(e) and 44259, Education Code.

HISTORY

1. Renumbering from Section 80058 to Section 80499 and amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Amendment filed 8–22–80; effective thirtieth day thereafter (Register 80, No. 34).
3. Amendment filed 12–10–86; effective thirtieth day thereafter (Register 86, No. 50)
4. Amendment of section heading, section and NOTE filed 12–24–96; operative 1–23–97 (Register 96, No. 52).
5. Amendment of section heading and section filed 1–10–2000; operative 2–9–2000 (Register 2000, No. 2).

Article 6. Denial of Application for Credentials

§ 80505. Definitions.

As used in this article:

(a) "Credential" means any credential, certificate, or permit issued by the Commission.

(b) "Application for a credential" includes an application for the issuance of a credential, an application for a renewal of a credential, an application to add new authorizations to an existing credential, or a request to take any special action in relation to the issuance of a credential.

(c) "Committee" means the Appeals and Waivers Committee of the Commission.

(d) "Denial" means the refusal of the Commission or staff to issue a credential, or renew or add a new authorization to an existing credential on the grounds that the applicant's education, training or experience does not satisfy the minimum requirements for the same.

(e) "Appeal of denial" means a timely written request by the applicant for a reevaluation by the Commission of his or her application.

(f) "IHE" means an institution of higher education with a Commission approved program for the credential under consideration.

(g) "LEA" means a local education agency or assessor agency that is authorized by the Commission to recommend for the credential under consideration.

[The next page is 457.]

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Amendment filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. New subsections (a), (f) and (g), subsection relettering and amendment of NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80506. Notice of Denial.

(a) If an application for a credential is denied pursuant to any provision of this chapter, staff of the Commission shall give written notice to the applicant of the grounds on which the denial was made.

(b) Such notice of denial of the application shall be mailed or delivered in person to the applicant not later than ten days following the decision of the Commission staff to deny said application.

(c) Written notice, pursuant to this section, shall include:

(1) A statement that the application has been denied;

(2) A statement of the facts upon which the application has been denied;

(3) A statement of the informal hearing procedure and the rights of the applicant thereunder.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80514 to section 80506 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of subsections (a) and (c)(1) and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80507. Date of Denial of Application.

After all necessary application materials have been filed with the Commission, failure of the Commission staff to issue a credential within the time set forth in Title 5, California Code of Regulations Section 80443 may, at the election of the applicant, be treated as a denial of the application.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of section 80517 to section 80507 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80508. Failure to Meet Requirements.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Repealer filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80509. Appeal Grounds and Procedure.

(a) The applicant shall initiate an appeal by filing with the Executive Director a written notice stating that the applicant appeals a particular decision of the Commission staff regarding the application, on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements for the credential requested including the specific requirements set forth in this section. Applicants appealing under (1) or (2) below must meet the requirements in Section 80413(a) of Title 5 Regulations if qualifying for the preliminary credential and Section 80413(a)&(b) if qualifying for the professional clear credential other than that requirement being appealed. Applicants appealing under 3 below must meet the requirements in Section 80048.2(b) of Title 5 Regulations other than that requirement being appealed.

(1) If the applicant is appealing to use actual teaching experience in lieu of the student teaching requirement for a Multiple or Single Subject Teaching Credential, the applicant must verify the completion of a minimum of three years of satisfactory classroom teaching experience. The experience shall meet the requirements described below:

(A) "Year of classroom teaching" means classroom teaching for the minimum school day applicable to the level taught for at least 75 percent of the number of days the regular schools of the district were in session in the school year.

1. A school day for a multiple subject assignment shall be at least four hours exclusive of non–instructional time.

2. A school day for a single subject assignment shall be no less than three periods per day of teaching experience.

3. Long–term substitute or replacement teaching assignments may be considered when such assignments include all of the functions of the teacher of record. To be considered, experience must be a minimum of one semester or its equivalent in quarters (approximately 18 weeks) in the same assignment. Day to day substitute experience will not be cumulated to meet the requirement.

(B) Actual teaching experience submitted by the appellant shall be assessed in relation to the professional teacher preparation standards.

1. The teaching experience shall be acquired after completion of a baccalaureate degree and professional teacher preparation program excluding student teaching verified in writing by an IHE with a teacher preparation program accredited by the Committee on Accreditation in the credential requested. Experience acquired concurrently with the teacher preparation program will be considered only when verification from the IHE is submitted attesting to the fact that the university is unable or unwilling to provide supervision of the current assignment to meet the student teaching requirement.

2. An appellant who has been admitted to student teaching by an IHE but who has failed to complete the requirement because the IHE found the student teaching below acceptable performance levels as set forth in the IHE's program standards shall not have grounds for appeal.

(C) The teaching experience shall be performed in public schools or agencies, or private schools accredited by the Western Association of Schools and Colleges (WASC). The appellant's employer or employers must verify that his or her competence and performance meet standards required of a student teacher.

(D) The appellant must submit comprehensive evaluations of successful teaching experience as well as a statement from each employer which explains how the appellant was evaluated, supported, and supervised, and by whom. The evaluations for the last year of experience submitted must show satisfactory or higher ratings in all areas.

(E) The teaching experience shall be of a level, scope and responsibility beyond the service performed by an aide, reader, assistant, para–professional, tutor, day–to–day substitute, children's center or special center permit holder, consultant, or student practitioner.

(F) The teaching experience shall be appropriate to the setting of the credential being sought. For a Single Subject Teaching Credential the experience must be in a subject specified in Education Code Section 44257 which will be listed on the appellant's Single Subject Teaching Credential. For the Multiple Subject Teaching Credential, the experience must be in self–contained settings.

1. Adult school teaching experience, military teaching experience, and teaching experience in other non–traditional settings in the subject area of the credential being sought may be used to meet up to one–half of the experience requirement.

2. An appellant may use experience in a self–contained special education classroom for up to one half of the required experience. This option applies only to the Multiple Subject Teaching Credential. Appellants cannot combine this option with option 1 above.

(G) The appellant must submit in writing a statement that demonstrates his or her ability to develop, implement, and evaluate a variety of pedagogical approaches to teaching academic skills and content areas appropriate to the credential.

(2) A minimum of eight years of satisfactory teaching experience which have been acquired with no teacher preparation program may be considered by the Commission on an individual basis. The experience must be acquired after the completion of a baccalaureate degree. Such experience shall be verified in detail following criteria listed in (1)(A) and (C) through (G) above.

(3) If the appellant is appealing to use actual teaching experience in lieu of the student teaching requirement for a Specialist Instruction Cre-

dential in Special Education, the appellant must verify the completion of a minimum of three years of satisfactory special education experience. The experience shall meet the requirements described below:

(A) "Year of classroom teaching" means classroom teaching for the minimum school day applicable to the level taught for at least 75 percent of the number of days the regular schools of the district were in session in the school year.

1. A school day for a special education assignment shall be at least four hours exclusive of non–instructional time.

2. Long–term substitute or replacement teaching assignments may be considered when such assignments include all of the functions of the teacher of record. To be considered, experience must be a minimum of one semester or its equivalent in quarters (approximately 18 weeks) in the same assignment. Day to day substitute experience will not be cumulated to meet the requirement.

(B) Actual teaching submitted by the appellant shall be assessed in relation to the professional special education teacher preparation standards.

1. The teaching experience shall be acquired after completion of a baccalaureate degree and special education teacher preparation program excluding student teaching verified in writing by an IHE with a special education teacher preparation program accredited by the Committee on Accreditation in the area requested. Experience acquired concurrently with the teacher preparation program will be considered only when verification from the IHE is submitted attesting to the fact that the university is unable or unwilling to provide supervision of the current assignment to meet the student teaching requirement.

2. An appellant who has been admitted to student teaching by an IHE but who has failed to complete the requirement because the IHE found the student teaching below acceptable performance levels as set forth in the IHE's program standards shall not have grounds for appeal.

(C) The teaching experience shall be performed in public schools or agencies, or non–public, non–sectarian schools or agencies certified by the California Department of Education. The appellant's employer or employers must verify that he or she meets the same competency standards required of a student teacher.

(D) The appellant must submit comprehensive evaluations of successful teaching experience as well as a statement from each employer which explains how the appellant was evaluated, supported, and supervised, and by whom. The evaluations for the last year of experience submitted must show satisfactory or higher ratings in all areas.

(E) The teaching experience shall be of a level, scope and responsibility beyond the service performed by an aide, reader, assistant, para–professional, tutor, day–to–day substitute, children's center or special center permit holder, consultant, or student practitioner.

(F) The teaching experience shall be appropriate to the authorized field of the Specialist Instruction Credential in Special Education being sought.

(G) The appellant must submit in writing a statement that demonstrates his or her knowledge of basic principles and strategies of assessment, curriculum, and instruction that are appropriate for individuals with special needs.

(b) The petition shall be in writing and shall state the facts, information or circumstances upon which the appeal is based. The petition shall be signed and dated by the appellant, and shall include the following statement: "I certify under the penalty of perjury that the facts stated herein are true and correct."

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80520 to section 80509 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of subsections (a) and (b) and NOTE, new subsections (a)(1)–(3), and repealer of subsections (c)–(c)(3) filed 5–24–93; operative 6–23–93 (Register 93, No. 22).
3. Amendment filed 12–18–97; operative 1–17–98 (Register 97, No. 51).

§ 80510. Time of Filing Appeal.

(a) Appeal of the denial of an application pursuant to this chapter shall be filed within 30 days after the appellant has been served with notice of such denial.

(b) Upon a showing of good cause, the Executive Director may allow such an appeal to be filed within 30 days after the end of the period in which the appeal should have been filed, or such other extension as may be required by illness or other justifiable cause.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80523 to new section 80510 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80511. Duties of the Committee.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering of Section 80511 to Section 80514 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80512. Initiation of Appeal Procedure.

Within 30 days of the filing of an appeal, the Executive Director shall take the following actions:

(a) Cause a statement of issues to be prepared and filed with the Committee setting forth the causes upon which the appeal is based;

(b) Submit the statement of issues to the Committee at the earliest possible date; and

(c) Notify the appellant of the date, time and place of the informal hearing before the Committee.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. New section filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80514. Duties of the Committee.

Upon appeal of denial of an application for a credential, the matter shall be referred to the Committee to conduct an informal hearing unless the Commission specifically has reserved the same for its own action. Upon such informal hearing by the Committee, the Committee shall recommend that such application be granted or denied.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80514 to section 80506, and renumbering of former section 80511 to section 80514 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80515. Rights of Appellant.

An appellant who has been denied a credential pursuant to this chapter shall have the following rights before the Committee:

(a) To present such written evidence as he or she feels is necessary or appropriate to the issues involved at any time up to and including the day of hearing;

(b) To present written or oral arguments to the Committee;

(c) To be represented by the person of his or her choice; and

(d) To choose not to appear before the Committee and to have such failure to appear not be considered either an admission or denial of the facts described in the written notice.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80526 to section 80515 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section heading, text and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80516. Open Hearing (Appellant's Option to Close Hearing).

The informal hearing shall be open, unless the appellant requests a closed hearing. Any request for such closed hearing shall be made and received at least 30 days prior to the scheduled hearing. Testimony shall be limited to responses to questions by the Appeals and Waivers Committee members, written documents and oral presentations by witnesses registered with the chair of the Appeals and Waivers Committee prior to commencing the hearing.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering of former section 80529 to section 80516 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer and new section filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80517. Date of Denial of Application.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering and amendment of Section 80517 to Section 80507 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80518. Conduct of Hearing.

(a) The chair of the Committee shall conduct the informal hearing.

(b) The chair may do whatever is necessary to carry out the intent and provisions of this article to insure that the informal hearing is conducted in a fair, dignified, and orderly manner which is not specifically prohibited by any applicable provision of law.

(c) The action of the Committee on appeals requires a majority vote. In the case of a tie, the matter remains on the Committee calendar for the next meeting of the Committee, at which time the matter shall be reconsidered and decided by a majority. If the matter cannot be resolved by a majority vote after two meetings, the appeal shall be deemed to have been recommended for denial and the appellant so notified.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering of former section 80532 to section 80518 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. New subsection (c) and amendment of subsections (a) and (b) filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80519. Notice of Committee Decision.

(a) If the Committee recommends that the application for a credential be granted, the Chair of the Committee shall present the recommendation to the Commission forthwith. If the Commission decides to grant the appeal, the Executive Director shall, within 10 days following the decision, notify the appellant in writing of the judgment. If the Commission rejects the Committee's recommendation, the matter shall be returned to the Committee for reconsideration at the next available meeting.

(b) If the Committee recommends denial of the application for a credential, the Executive Director shall, within 10 days following the informal hearing, notify the appellant in writing of the following:

(1) The recommendation of the Committee;

(2) The facts upon which the appeal was recommended for denial; and

(3) An explanation of the procedures for an administrative hearing and the rights of the appellant.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

[The next page is 459.]

HISTORY

1. New section filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80520. Initiation of Appeal Procedure.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering and amendment of Section 80520 to Section 80509 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80521. Appeal for Hearing.

(a) Within 30 days following a recommendation by the Committee, to deny the application, the appellant may apply for an administrative hearing by filing a written request with the Executive Director.

(b) If an administrative hearing is requested, the proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80535 to section 80521 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section heading, subsection (a) and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80522. Finality of Decision.

Unless a request for an administrative hearing is filed, each recommendation of the Committee to deny an application shall become the final decision of the Commission 30 days after a copy of such recommendation is mailed to the parties to the proceeding in which the recommendation was rendered.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code.

HISTORY

1. Renumbering and amendment of former section 80538 to section 80522 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of section and NOTE filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80523. Extensions of Time.

(a) The Commission may assign to its certification staff the authority to waive Education Code Sections 44251, 44253, 44277, 44279 or 44348 concerning the term of the credential for applicants who request an extension of time to complete requirements. The applicant must demonstrate good cause for requesting an extension of time to complete requirements. Good cause shall include, but is not limited to, the following:

(1) a requirement has been established since the applicant received his or her credential;

(2) the applicant was unable to complete requirements because of personal health problems or the health problems of a family or household member;

(3) the applicant is currently employed in a position requiring a credential or its equivalent and no IHE or LEA can be reached within one and one–half hours of traveling time;

(4) the applicant submits verification from the IHE or LEA that there were no openings in the program or that the required course work was unavailable;

(5) the applicant unknowingly completed course work, such as continuing education courses, which the IHE, LEA, or Commission cannot accept toward completion of the requirements;

(6) the applicant did not receive information about the requirement from the Commission with sufficient time to complete the requirement;

(7) the applicant enrolled in a second or subsequent IHE or LEA and the new IHE or LEA required additional course work or assessment which the applicant was unable to complete on time;

(8) demands of job or family made attendance at an IHE or LEA impossible;

(9) the applicant has completed educational requirements, but has not met the experience requirement; and

(10) the applicant has not been employed in the California public school system since the credential was issued;

(b) These waivers may be issued only once, except in cases where the extenuating circumstances continue to exist and the applicant has made sufficient progress toward completion of the requirements.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225(m), 44251, 44253, 44277, 44279 and 44348, Education Code.

HISTORY

1. New section filed 5–24–93; operative 6–23–93 (Register 93, No. 22). For prior history, see Register 82, No. 39.

§ 80523.1. Experience in Lieu of Student Teaching.

The Commission may assign to its certification staff the authority to issue Multiple or Single Subject Teaching Credentials or Education Specialist Instruction Credentials to applicants who meet the requirements established in Section 80509 when the applicant verifies that he or she has completed the three years of experience after completion of the baccalaureate degree and professional preparation program excluding student teaching.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225(g) and 44252(a), Education Code.

HISTORY

1. New section filed 5–24–93; operative 6–23–93 (Register 93, No. 22).
2. Amendment filed 1–31–2005; operative 3–2–2005 (Register 2005, No. 5).

§ 80523.2. IHE or LEA Unable to Recommend.

The Commission may assign to its certification staff the authority to issue credentials to applicants who have a statement from an IHE or LEA verifying that the applicant has completed the equivalent of the approved program, but the institution or agency cannot provide the applicant with a formal recommendation because it is against their policy.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44227 and 44252(a), Education Code.

HISTORY

1. New section filed 5–24–93; operative 6–23–93 (Register 93, No. 22).

§ 80523.3. Administrative Services Experience.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225(m) and 44270.1(a)(2), Education Code.

HISTORY

1. New section filed 5–24–93; operative 6–23–93 (Register 93, No. 22).
2. Repealer filed 6–1–2004; operative 7–1–2004 (Register 2004, No. 23).

§ 80523.4. Administrative Services Prerequisite.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225(m) and 44270(a)(1), Education Code.

HISTORY

1. New section filed 5–24–93; operative 6–23–93 (Register 93, No. 22).
2. Repealer filed 4–14–2000; operative 5–14–2000 (Register 2000, No. 15).

§ 80526. Rights of Applicant.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering and amendment of Section 80526 to Section 80515 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80529. Closed Hearing.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering of Section 80529 to Section 80516 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80532. Conduct of Hearing.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering of Section 80532 to Section 80518 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80535. Rehearing by the Commission.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering and amendment of Section 80535 to Section 80521 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

§ 80538. Finality of Decision.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering and amendment of Section 80538 to Section 80522 filed 9–23–82; effective thirtieth day thereafter (Register 82, No. 39).

Article 7. Requirements and Procedures for Renewing Professional Clear Multiple and Single Subject Teaching Credentials, Service or Specialist Credentials, and Designated Subjects Adult and Vocational Education Teaching Credentials

§ 80550. Definitions.

The terms in this article shall have the following meanings.

(a) "Professional growth" refers to those activities which contribute to a credential holder's competence, performance, or effectiveness in the profession of education.

(b) The term "professional clear credential" refers to any credential having professional growth renewal requirements and being either:

(1) a multiple or single subject teaching credential issued after August 31, 1985 as the recipient's first, permanent teaching credential and whose validity is subject to the requirements of Education Code section 44277, or

(2) A service or specialist credential initially issued on or after July 1, 1994.

Emergency and preliminary credentials are not considered permanent credentials for the purposes of this article.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1 and 44260.5, Education Code.

HISTORY

1. New article 7 (sections 80550–80565, not consecutive) filed 10–1–86, operative 10–31–86 (Register 86, No. 40). For history of former article 7, see Register 82, No. 39.
2. Amendment of article heading, subsection (b) and new subsections (b)(1)–(2) filed 5–10–94; operative 6–9–94 (Register 94, No. 19).
3. Editorial correction of HISTORY 2 (Register 94, No. 21).
4. Amendment of article 7 heading filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80552. Specific Requirements for Renewing Professional Clear Credentials.

The minimum requirements for renewing a professional clear credential shall include all of the following.

(a) Submission of a professional growth plan and record that verifies completion of 150 hours of approved professional growth activities pursuant to Sections 80554 through 80562, and one–half year of successful service pursuant to Section 80565 of this article. For credential holders renewing more than one credential simultaneously, a total of 150 hours of professional growth activities in either credential area and one half year of service on either credential may satisfy this requirement.

(b) Submission of a completed application form provided by the Commission.

(c) Payment of the fee specified in Section 80487.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44235 and 44277, Education Code.

HISTORY

1. New section filed 10–1–86; operative 10–31–86 (Register 86, No. 40).
2. Amendment of section heading and text filed 5–10–94; operative 6–9–94 (Register 94, No. 19).

§ 80553. Period of Validity and Renewal Cycle for Professional Clear Teaching and Services Credentials.

(a) The period of validity and renewal cycle for professional clear teaching and services credentials, excluding designated subjects teaching credentials, are the following:

(1) For individuals who hold only one professional clear credential listed in (a):

(A) The initial period of validity shall be from the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

(B) If the renewal requirements have been completed at the time of application, then the following dating structure will be used:

1. If the renewal is submitted within one year prior to the expiration date of the credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire five years later.

2. If the renewal is submitted more than one year prior to the expiration date of the credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

3. If the renewal is submitted after the expiration date, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

(C) If the renewal requirements have not been completed at the time of application, then the credential may be renewed, one time only, using the following dating structure.

1. If the renewal is submitted by the expiration date of the credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire two years later.

2. If the renewal is submitted after the expiration date, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month two years later.

(2) For individuals who hold two or more professional clear credentials listed in (a):

(A) The initial period of validity shall use the following dating structure.

1. The issuance date is that established in Title 5 Section 80440 independently for each credential, and all credentials will expire the first day of the following month five years later from the earliest issuance date.

(B) If all professional clear credentials held are renewed at the same time and the renewal requirements have been completed at the time of application, then the following dating structure will be used:

1. If the renewals are submitted within one year prior to the expiration date of the credentials to be renewed, the credentials shall be renewed us-

ing the issuance date established in Title 5 Section 80440 and will expire five years later.

2. If the renewals are submitted more than one year prior to the expiration date of the credentials to be renewed, the credentials shall be renewed using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

3. If the renewals are submitted after the expiration date, the credentials shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

(C) If all professional clear credentials held are renewed at the same time and the renewal requirements have not been completed at the time of application, then the credentials may be renewed, one time only, using the following dating structure.

1. If the renewals are submitted by the expiration date of the credentials to be renewed, the credentials shall be renewed using the issuance date established in Title 5 Section 80440 and will expire two years later.

2. If the renewals are submitted after the expiration date, the credentials shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month two years later.

(D) If all professional clear credentials held are renewed at different times and the renewal requirements have been completed at the time of each application, then the following dating structure will be used.

1. If the renewals are submitted within one year prior to the expiration date of the credentials to be renewed, the credentials shall be renewed using the issuance date established in Title 5 Section 80440 and will expire five years later.

2. If the renewals are submitted more than one year prior to the expiration date of the credentials to be renewed, the credentials shall be renewed using the issuance date established in Title 5 Section 80440 independently for each credential, and all of the credentials will expire the first day of the following month five years from the earliest issuance date.

3. If the renewals are submitted after the expiration date, the credentials shall be reissued using the issuance date established in Title 5 Section 80440 independently for each credential, and all of the credentials will expire on the first day of the following month five years from the earliest issuance date.

(E) If all professional clear credentials held are renewed at different times and the renewal requirements have not been completed at the time of each application, then the credentials shall be renewed, one time only, using the following dating structure.

1. If the renewals are submitted by the expiration date of the credentials to be renewed, the credentials shall be renewed using the issuance date established in Title 5 Section 80440 and will expire two years later.

2. If the renewals are submitted after the expiration date, the credentials shall be reissued using the issuance date established in Title 5 Section 80440 independently for each credential, and all of the credentials will expire on the first day of the following month two years from the earliest issuance date.

(3) For individuals who hold a dependent professional clear credential in (a) issued on basis of a non-professional-clear prerequisite credential:

(A) If the prerequisite credential is valid for more than five years from the issuance date of the dependent professional clear credential, then the following dating structure will be used.

1. The initial period of validity for the dependent professional clear credential shall be from the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

2. If the renewal requirements have been completed for the dependent professional clear credential at the time of application, then the following dating structure will be used.

a. If the renewal is submitted within one year prior to the expiration date of the dependent professional clear credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire five years later.

b. If the renewal is submitted more than one year prior to the expiration date of the dependent professional clear credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

c. If the renewal is submitted after the expiration date of the dependent professional clear credential, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

3. If the renewal requirements have not been completed for the dependent professional clear credential at the time of application, the credential shall be renewed, one time only, using the following dating structure.

a. If the renewal is submitted prior to the expiration date of the dependent professional clear credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire two years later.

b. If the renewal is submitted after the expiration date of the dependent professional clear credential, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month two years later.

(B) If the prerequisite credential is valid for five years or less from the issuance date of the dependent professional clear credential, then the following dating structure will be used.

1. The initial period of validity for the dependent professional clear credential shall be the issuance date established in Title 5 Section 80440 and will expire on the expiration date of the prerequisite credential.

2. If the renewal requirements have been completed for the dependent professional clear credential at the time of application, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire on the expiration date of the prerequisite credential.

3. If the renewal requirements have not been completed for the dependent professional clear credential at the time of application, the credential shall be renewed, one time only, using the following dating structure.

a. If the renewal is submitted by the expiration date of the dependent professional clear credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire two years later or the expiration date of the prerequisite credential, which ever comes first.

b. If the renewal is submitted after the expiration date of the dependent professional clear credential, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month two years later or the expiration date of the prerequisite credential, which ever comes first.

(b) The period of validity and renewal cycle for professional clear designated subjects teaching credentials are the following:

(1) The initial period of validity shall be from the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

(2) If the renewal requirements have been completed at the time of application, then the following dating structure will be used.

(A) If the renewal is submitted within one year prior to the expiration date of the credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire five years later.

(B) If the renewal is submitted more than one year prior to the expiration date of the credential, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire the first day of the following month five years later.

(C) If the renewal is submitted after the expiration date, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire on the first day of the following month five years later.

(3) If the renewal requirements have not been completed at the time of application, then the following dating structure will be used.

(A) If the renewal is submitted prior to the expiration date of the credential to be renewed, the credential shall be renewed using the issuance date established in Title 5 Section 80440 and will expire two years later.

(B) If the renewal is submitted after the expiration date, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire on the first day of the following month two years later.

(c) If the holder of a professional clear credential has already used the two-year extension for any professional clear credential, the professional growth and service requirements must always be completed before a professional clear credential of any type can be renewed or reissued.

NOTE: Authority cited: Sections 44225(b) and 44225(q), Education Code. Reference: Sections 44225(b), 44251(b)(3), 44277 and 44279, Education Code.

HISTORY

1. Amendment of section heading, repealer and new section, and amendment of NOTE filed 12-10-98; operative 1-9-99 (Register 98, No. 50).

§ 80554. Professional Growth Plan.

(a) On a form provided by the Commission, a credential holder shall write a professional growth plan, which shall identify his or her professional growth goals, and the professional growth activities he or she proposes to pursue.

(b) In a professional growth plan a credential holder shall include activities in two or more categories of activities as defined in subdivision (c) of Section 80558.

(c) A credential holder may amend a professional growth plan by adding, deleting or changing any of the original or previously amended goals or proposed activities.

(d) A professional growth advisor shall sign a professional growth plan, and shall initial an amendment to a professional growth plan, that complies with Education Code Section 44277 and this article.

(e) No professional growth advisor or other person shall compel a credential holder to include any particular activities in his or her professional growth plan.

(f) Once a professional growth plan has been signed by a professional growth advisor, it shall continue in force regardless of any change in the validity of the credential, any replacement of the professional growth advisor, any change in assignment, or any transfer by the credential holder from one employer to another. No professional growth advisor or other person shall compel a credential holder to change a signed professional growth plan.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(c) and (d), Education Code. (Section filed 10-1-86, operative 10-31-86; Register 86, No. 40).

§ 80555. Professional Growth Record.

(a) On a form provided by the Commission, a credential holder shall, under penalty of perjury, write a professional growth record, which shall accurately identify the professional growth activities that the credential holder has completed, and indicate the number of clock hours spent completing each activity.

(b) A credential holder who willfully signs and submits an inaccurate professional growth record which he or she knows to be false to a professional growth advisor or to the Commission shall be subject to the penalties for perjury and unprofessional conduct pursuant to Education Code Section 44421.

(c) A professional growth advisor may require a credential holder to provide reasonable verification that the elements of a professional growth record are accurate. Reasonable verification may include (but is not limited to) products of an activity; official records of attendance; copies of notes, minutes, or other records of meetings attended; materials distributed at classes, workshops, conferences or staff development programs; or other tangible records of activities. If an advisor has independent evidence or reason to believe a professional growth record is accurate, he or she may decide not to require the credential holder to verify its accuracy.

(d) A professional growth advisor shall sign a professional growth record that corresponds to a signed professional growth plan, and that complies with Education Code Section 44277 and this article.

(e) A professional growth plan and record shall not include any portion of an activity which occurred prior to the time the credential holder applied for the professional clear credential, or for the most recent renewal of the professional clear credential.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44277(c), (d), and (e) and 44421, Education Code. (Section filed 10-1-86, operative 10-31-86; Register 86, No. 40).

§ 80556. Professional Growth Advisor for Multiple or Single Subject Teaching Credential.

(a) The chief administrative officer, or his or her designee, of a public agency whose employees are required to hold valid teaching credentials shall designate one or more certificated persons to be professional growth advisors if the agency employs one or more holders of professional clear credentials.

(b) To be eligible to be a professional growth advisor for teaching type credentials, a person must hold a valid permanent California teaching or services credential, and a baccalaureate degree from an accredited institution of postsecondary education. An employing agency that designates one or more professional growth advisors may establish additional qualifications for advisors.

(c) The employing agency shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.

(1) Subject matter compatibility, interest in special topics, and interactive skills should be considered in selecting advisors.

(2) Proximity to the work location of the credential holder and reasonable workload for the advisor shall be considered.

(d) An agency which employs holders of professional clear credentials may appoint a professional growth panel(s) to act as an appeal body to resolve disputes between credential holders and professional growth advisors. The panel may also participate in selecting, orienting and assisting professional growth advisors.

(e) The responsibilities of a professional growth advisor shall be as defined in this subdivision.

(1) Know the contents of Education Code Section 44277, this article, and the professional growth manual published by the Commission, and provide for a discussion of these with credential holders. The professional growth advisor shall discuss the staff development needs of the employing agency and the school with the credential holder and may recommend activities and domains of activities.

(2) Advise credential holders and approve professional growth plans and records that have been developed by credential holders, and that comply with the terms of Education Code Section 44277 and this article.

(f) A public agency whose employees are required to hold valid teaching credentials shall give each credential holder the names and work locations of the professional growth advisors who have been designated by the agency.

(g) If a credential holder determines that his or her employing agency has not designated a suitable professional growth advisor, and cannot resolve this problem with a representative of the agency, or if the employer has not designated any professional growth advisors, or if the credential holder is not employed, he or she may seek permission from a responsible officer of another public or private agency to consult with an advisor who is employed by the other agency, or the credential holder may ask the Commission to approve a professional growth plan or record.

(h) No credential holder may serve as his or her own professional growth advisor.

(i) No person or agency shall compel a credential holder to pay any fee or provide any service in exchange for professional growth advice, or for approval of a professional growth plan or record.

(j) The chief administrative officer, or his or her designee, of a public or private employing agency shall remove any professional growth advisor who has been determined by the agency or the Commission to have willfully and arbitrarily violated Education Code Section 44277 or this article.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(d) and (e), Education Code.

HISTORY

1. New section filed 10–1–86; operative 10–31–86 (Register 86, No. 40).
2. Amendment of section heading and subsection (b) filed 5–10–94; operative 6–9–94 (Register 94, No. 19).

§ 80556.1. Professional Growth Advisor for Service and Specialist Credentials.

(a) The chief administrative officer (or designee) of a public agency, some of whose employees are required to hold valid specialist or service credentials, may designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor. Subject matter compatibility, interest in special topics, interactive skills, proximity of the advisor and advisor workload should be considered by the credential holder when selecting an advisor. Holders of credentials requiring prerequisite credentials may choose more than one advisor when more than one type of professional clear credential is being renewed.

(b) Eligibility to be a professional growth advisor for service or specialist credential holders requires satisfaction of one of the following:

(1) The advisor holds a valid (clear or professional clear) specialist or services credential, and a baccalaureate degree from an accredited institution of postsecondary education.

(2) Those who instruct in the area of expertise in an approved credential program at the postsecondary level may serve as professional growth advisors.

(3) Alternatively, the professional service or specialist credential holder may choose an advisor in the area of his or her teaching credential provided that the provisions of Section 80556 have been met.

(c) An agency which employs holders of professional clear service and specialist credentials may appoint a professional growth panel(s) to act as an appeal body to resolve disputes between credential holders and professional growth advisors. The panel may also participate in selecting orienting and assisting professional growth advisors.

(d) The responsibilities of a professional growth advisor shall be as follows:

(1) Know the contents of the pertinent sections of this article of Title 5 California Code of Regulations pertaining to professional growth requirements for service and specialist credentials and provide for a discussion of these with credential holders. The professional growth advisor shall discuss the staff development needs of the employing agency and/or the school with the credential holder and may suggest activities and/or domains of activities.

(2) The advisor shall provide consultation in the selection of activities as well as discuss what has been gained from participation in those activities.

(e) A public agency whose employees are required to hold valid service or specialist credentials shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.

(f) No credential holder may serve as his or her own professional growth advisor.

(g) No person or agency shall compel a credential holder to pay any fee or provide any service in exchange for professional growth advice, or for approval of a professional growth plan or record.

(h) The chief administrative officer, or his or her designee, of a public or private employing agency shall have the authority to remove any professional growth advisor who has been determined by the agency or the Commission to have willfully and arbitrarily violated Education Code Section 44277 or this article.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44277(d) and (e), Education Code.

HISTORY

1. New section filed 5–10–94; operative 6–9–94 (Register 94, No. 19).

§ 80558. Professional Growth Activities For All Professional Clear Credential Holders.

(a) Each activity that a credential holder includes in a professional growth plan and record shall satisfy standards (1), (2), and (3) of this subdivision. A professional growth advisor may require a credential holder to explain how an activity satisfies or is likely to satisfy one or more of the standards stated in this subdivision.

(1) The activity is of high quality and is consistent with the credential holder's professional growth goals, as stated in the professional growth plan.

(2) The activity will contribute to the credential holder's competence, performance or effectiveness in one or more of the domains of professional growth that are specified in subdivision (b) of this section.

(3) The activity fits one of the categories of professional growth activities that are specified in subdivision (c) of this section.

(b) Domains of professional growth for multiple or single subject teaching credentials include the following:

(1) A subject the credential holder teaches, or reasonably expects to teach, in kindergarten or in grades one through twelve.

(2) A field of specialization in which the credential holder serves, or reasonably expects to serve, in kindergarten or in grades one through twelve.

(3) Concepts, principles and methods of effective teaching, curriculum, and evaluation in kindergarten or in grades one through twelve.

(4) Concepts and principles of physical, intellectual, social and emotional development among children and youth.

(5) Concepts and principles of human communication, learning, motivation and individuality.

(6) Languages and cultural backgrounds of groups of children and youth that attend California schools.

(7) Concepts and principles of effective relationships among schools, families and communities.

(8) Roles, organization, and operation of public education and of institutions that promote public education.

(c) Domains of professional growth for specialist and service credentials shall be defined as follows:

(1) A field of specialization in which the credential holder serves, or reasonably expects to serve, or service which the credential holder provides or reasonably expects to provide.

(2) Concepts, principles, and methods of effective intervention, instruction, curriculum design, evaluation, assessment, and consultation.

(3) Concepts and principles of the interrelationships of family members and the physical, intellectual, social–emotional, and language development of children and youth.

(4) Concepts and principles of human communication, learning, motivation, individuality and family dynamics.

(5) Understanding of ethnic, cultural, and gender diversity, especially the current demographics, diverse language/dialects and multicultural backgrounds of the California population.

(6) Concepts and principles of effective relationships among schools, families, agencies, businesses, and local communities.

(7) Understanding of, and problem solving related to, current issues facing schools and communities.

(8) The organization, operation, management, and leadership of programs or sites and the roles of the people who work at these sites or in these programs.

(9) The understanding and use of technology in educational settings.

(d) Categories of professional growth activities for all professional clear credentials shall be as defined in this subdivision.

(1) Completion of one or more lower division, upper division or graduate level courses offered on campus, off campus or in extension by any regionally accredited two–year or four–year college or university.

(2) Participation in those portions of one or more conferences, workshops, institutes, academies, symposia, teacher center programs or staff

development programs whose purpose is to increase the professional knowledge, competence, performance or effectiveness of participants.

(3) Participation in one or more systematic programs of observation and analysis of teaching or the performance of a peer–alike job, provided that each program is planned, focuses on one or more predetermined aspects of teaching and includes follow–up activities such as discussion, critique or application of what has been observed or analyzed.

(4) Service in a leadership role in an educational institution, consistent with the following definition and restriction.

(A) Activities in which the credential holder contributes to the improvement of a school district or other educational institution shall be acceptable, including activities in which he or she assists student teachers or other teachers in their instructional development, either as a mentor teacher or in another appointed capacity.

(B) Activities shall not be acceptable if they are part of the routine functioning of an educational institution, or if they are part of a teacher's basic responsibilities, including (but not limited to) planning lessons, arranging a classroom environment, preparing assorted instructional materials, assessing student performances, or keeping records.

(5) Service in a leadership role in a professional organization, consistent with the following definition and restriction.

(A) To be an acceptable activity, the credential holder must serve as an elected officer, or a chair of a committee, or an official representative of an organization of professional educators, and he or she must participate in charting, planning or forming educational or professional policies, positions or directions for the organization to pursue.

(B) Activities that contribute to the ongoing operations or functioning of a professional organization shall not be acceptable, such as efforts to increase the membership or participate in collective bargaining activities.

(6) Participation in efforts to conduct educational research or to investigate educational innovations shall be acceptable, provided that the credential holder has an active role in one or more of the following stages of the effort: planning, developing, piloting, field testing or evaluating a study or innovation; or analyzing, interpreting, demonstrating or disseminating the results of a study or innovation.

(7) Other activities that shall be acceptable are defined below.

(A) Participation in a professional exchange program, provided that the credential holder changes positions with another educator for a specified period of time.

(B) Participation in alternative work experience programs, paid or volunteer, in which the credential holder fulfills new professional responsibilities for a specified period of time.

(C) Participation in a program of independent study, provided that the credential holder investigates a specified aspect of education, produces a written report or other tangible product, and evaluates the independent study and its product.

(D) Creative endeavors, provided that the credential holder creates a tangible product that exhibits originality of thought and execution, or participates in a production in which the credential holder exhibits a creative talent, and provided that the creative endeavors directly relate to a subject or student group the credential holder teaches or reasonably expects to teach.

(E) Cultural experiences, such as attendance at museums or musical, dramatic or dance productions, or cross–cultural immersion in the language and culture of an ethnic or national group, provided that the experiences directly relate to a subject or student group the credential holder teaches or reasonably expects to teach.

(e) Holders of credentials requiring prerequisite credentials may choose activities which are subsumed under either their service or specialist credential or their supporting teaching credential area provided that the previous domain/activity requirements have been satisfied and their advisor approves such activities.

(f) For those service credential holders holding other licenses in areas directly related to the credential (e.g., a Registered Nurse license for school nurse/health service) continuing education hours completed necessary to satisfy license renewal requirements will also be recognized for credential renewal professional growth activity. Any additional professional growth activity necessary to complete credential renewal requirements shall be confined to the activities listed in the allowable domains in Section 80558(c).

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(a) and (b), Education Code.

HISTORY

1. New section filed 10–1–86; operative 10–31–86 (Register 86, No. 40).
2. Amendment of subsection (b), new subsections (c)(1)–(9), (e) and (f), subsection redesignation and amendment of subsections (d) and (d)(1)–(2) filed 5–10–94; operative 6–9–94 (Register 94, No. 19).

§ 80562. Professional Growth Timekeeping For All Professional Clear Credential Holders.

(a) For each hour that a credential holder spends directly involved in an activity that is identified in a signed professional growth plan, the credential holder shall record one clock hour of time on the professional growth record.

(b) In a professional growth record, a credential holder shall not record any time spent traveling to or from a professional growth activity, or any time spent completing routine out–of–class assignments such as reading assignments or preparing for tests for an approved course, workshop, teacher center program, staff development program or professional conference that the credential holder attends. A credential holder may record time spent on out–of–class assignments if the credential holder and the professional growth advisor agree that the assignments qualify as professional growth activities in the categories defined in Section 80558(d)(2 through 7). Time spent preparing to make formal presentations in professional conferences, or as the instructor of a course, workshop, teacher center program or staff development program for teachers, may be recorded.

NOTE: Authority cited: Section 44225(c), Education Code. Reference: Section 44277(b), Education Code.

HISTORY

1. New section filed 10–1–86; operative 10–31–86 (Register 86, No. 40).
2. Amendment of subsection (b) filed 5–10–94; operative 6–9–94 (Register 94, No. 19).

§ 80565. Professional Service Requirement for Renewing a Professional Clear Credential.

(a) The chief administrative office, or his or her designee of an educational institution that employs or has employed a credential holder shall verify on the credential holder's professional growth record that the credential holder has served successfully for at least one–half of a school year provided that, for multiple or single subject credentials, the service satisfies requirements (1) and (2) and either (3) or (4) of the below listed requirements; or provided that, for specialist or services credentials (at least one of which is a professional clear credential) the service satisfies (1) and (2) and either (3), (4) or (5) of the below listed requirements.

(1) The service was rendered for a minimum of 300 minutes per day for at least ninety days, or the equivalent, after the credential holder applied for the professional clear credential, or for the most recent renewal of the professional clear credential.

(2) The credential holder was not terminated for cause by the educational institution since the credential holder applied for the professional clear credential, or for the most recent renewal of the credential.

(3) The service was rendered in a position that requires certification in kindergarten or grades one through twelve during full–time employment, part–time employment, employment as a substitute teacher, or employment under another contractual agreement.

(4) The service was rendered on behalf of students and/or a group of certificated personnel in kindergarten or grades one through twelve at the site of one or more elementary schools or secondary schools.

(5) The service was rendered in an area of either:

A) a specialist or service credential

B) another professional capacity related to a specialist or service credential area.

This service must be performed in a public or private preschool , elementary school, or secondary school, or in a related educational setting serving children, youth (birth to 22) and/or families.

(b) The chief administrative officer, or his or her designee, shall discharge the responsibility of verifying successful service independently of any evaluation that may affect the credential holder's employment status.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(a)(1), Education Code.

HISTORY

1. New section filed 10–1–86; operative 10–31–86 (Register 86, No. 40).
2. Amendment of subsection (a) and new subsections (a)(5)–(5)(B) filed 5–10–94; operative 6–9–94 (Register 94, No. 19).

§ 80567. Professional Growth Requirements for Designated Subjects Adult Education Teaching Credentials.

The provisions of Section 80550(a) and Sections 80552 through 80562 shall govern professional growth requirements for Designated Subjects Adult Education Teaching Credentials, with the following exceptions and additions:

(a) The holder of a Designated Subjects Adult Education Teaching Credential that authorizes teaching only non–academic subjects shall not be required to select a professional growth advisor who possesses a baccalaureate degree as specified in Section 80556(b).

(b) The domains of professional growth, as defined in Section 80558(b), shall be expanded to include adult learners.

(c) The categories of professional growth activities, as defined in Section 80558(c), shall be expanded for the holder of a Designated Subjects Adult Education Teaching Credential that authorizes teaching a non–academic subject, to include technical training or work experience in the non–academic subject named on the credential.

(d) For the clear part–time Designated Subjects Adult Education Teaching Credential, submission of a professional growth plan and record that verifies completion of 50 hours of approved professional growth activities shall be required.

(e) The one–half year of successful service specified in Section 80552(a) shall not be required.

(f) The chief administrative officer (or designee) of a public agency, some of whose employees are required to hold a valid Designated Subjects Adult Education Teaching Credential, may designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor. Subject matter compatibility, interest in special topics, interactive skills, proximity of the advisor and advisor workload should be considered by the credential holder when selecting an advisor.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44252(a), 44260.3 and 44277, Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

§ 80569. Professional Growth Requirements for Designated Subjects Vocational Education Teaching Credentials.

The provisions of Section 80550(a) and Sections 80552 through 80562 shall govern professional growth requirements for Designated Subjects Vocational Education Teaching Credentials, with the following exceptions and additions:

(a) The professional growth advisor shall not be required to possess a baccalaureate degree as specified in Section 80556(b).

(b) The categories of professional growth activities, as defined in Section 80558(c), shall be expanded to include technical training or work experience in the subject named on the credential.

(c) For the clear part–time Designated Subjects Vocational Education Teaching Credential, submission of a professional growth plan and record that verifies completion of 75 hours of approved professional growth activities shall be required.

(d) The one–half year of successful service specified in Section 80552(a) shall not be required.

(e) The chief administrative officer (or designee) of a public agency, some of whose employees are required to hold a valid Designated Subjects Vocational Education Teaching Credential, may designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor. Subject matter compatibility, interest in special topics, interactive skills, proximity of the advisor and advisor workload should be considered by the credential holder when selecting an advisor.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44252(a), 44260.1 and 44277, Education Code.

HISTORY

1. New section filed 4–10–95; operative 5–10–95 (Register 95, No. 15).

Chapter 5. Approved Programs

Article 1. Procedure for Validation

§ 80600. General Provisions Governing Validation of Service.

The provisions of this section shall apply to all validation of service requests specified in Sections 80601, 80603, and 80604:

(a) Terms that are used in Sections 80601, 80603, and 80604, inclusive, are defined as follow:

(1) The term "credential" means any credential, life diploma, permit, or document issued by, or under the jurisdiction of, the Commission which entitles the holder thereof to perform services for which certification qualifications are required.

(2) "Applicant" is the individual for whom a validation of service request is submitted.

(3) The term "employing agency" means the school district or county office of education which submits a validation of service request to the Commission.

(4) The term "temporary county certificate" refers to the definition in Education Code §44332 for the certificate issued by a county office of education for the purpose of authorizing salary payments to certified employees whose credential applications are being processed.

(b) The following entities may submit validation of service requests. Each request shall be submitted on behalf of the applicant.

(1) The chief administrative officer of a public school district in California.

(2) The chief administrative officer of a county office of education in California.

NOTE: Authority cited: Section 45036, Education Code. Reference: Section 44332, Education Code.

HISTORY

1. Redesignation from Chapter 2 of Division 7, Part 1 (Section 6680) to Chapter 5 of Part VIII filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Amendment of section heading, new opening paragraph, amendment of subsection (a), new subsections (a)(1)–(a)(4), amendment of subsections (b)–(b)(2) and repealer of subsections (b)(2)(A)–(b)(4) filed 6–27–96; operative 7–27–96 (Register 96, No. 26).

§ 80601. General Requirements for Validation of Service Requests.

When an employing agency finds that an individual has rendered service in a position requiring certification during a period in which the individual did not hold the appropriate certification or a temporary county certificate pursuant to Education Code §44332 to cover the service, the employing agency may submit a validation of service request to the Commission.

The following requirements apply to all requests for validation of service. Prior to approval, Commission staff shall verify tha tthe provisions of Education Code §45036 have been met.

(a) Staff shall determine whether the following conditions have been met:

(1) At all times during the period of service in question, the applicant had the necessary qualifications for the credential required by law for the position in which the service was rendered.

(2) A valid credential required for such position has been issued to the applicant by the Commission after the period of service to be validated was rendered.

(b) Each validation of service request must be submitted on form CL 224 (revised 1–96) provided by the Commission. The information on the form will include the following:

(1) The name, address, social security number, and birthdate of the applicant.

(2) The name of the employer, the position the applicant held during the period requiring validation, the specific type of certification required for that position, and the specific dates of service requiring validation.

(3) The employing agency must indicate the appropriate reason for the request for validation on the form and/or include a statement why the applicant was allowed to begin service and continue to serve without having the appropriate credential or temporary county certificate. The explanation either on the form or a separate statement must be signed by the chief administrative officer of the district for which the service was rendered or the chief administrative officer of the county if the service was rendered for the county office of education.

(4) The applicant must verify that he or she has applied for or has been issued the credential required for the position for which the validation of service request has been made, the facts contained in the request are true, and the applicant approves of the employer's request for validation of service.

(5) The chief administrative officer or an appropriate representative of the chief administrative officer of the county office of education must verify whether or not a temporary county certificate was issued to cover the period of service in question.

(c) Supporting materials necessary to verify that the individual qualified for the appropriate certification must be submitted along with the request for validation of service form CL–224. Such materials may include but not be limited to official transcripts, verification of the date of program completion from the authorized person at a Commission–approved college or university, or original letters of experience.

NOTE: Authority cited: Section 45036, Education Code. Reference: Sections 45036 and 44332, Education Code.

HISTORY

1. New section filed 6–27–96; operative 7–27–96 (Register 96, No. 26).

[The next page is 461.]

§ 80603. Ineligibility for Approval.

The Commission will not approve a validation of service request if one or more of the following conditions have been determined to be true.

(a) The applicant was not eligible for the credential authorizing the service performed during the period for which the validation of service is sought.

(b) The applicant was not eligible for the specific type and term of the credential he or she has been issued as specified in section 80601(a)(2).

(c) The applicant was only eligible for an emergency permit as specified in Sections 80023, 80025, and 80027, or a waiver document as specified in Section 80121 that would authorize the service performed during the period the service was rendered.

(d) The applicant did not meet the academic requirements for renewal of the required credential and only may have qualified to remain in the position based on an appeal per Title 5, Section 80523 to extend the valid date of the credential, an emergency permit as specified in Sections 80023, 80025, and 80027, or a waiver document as specified in Section 80121.

(e) The service was rendered prior to the date the applicant made application to the Commission for his or her initial California credential which authorizes service.

(f) The period of service requested to be validated exceeded six months unless the employing agency verifies and submits documentation of compelling circumstances why the request is for more than a six month period. Such circumstances as clerical oversight or failure on the part of the applicant to submit an application including verification of completion of requirements to the Commission or the employing agency will not be accepted.

(g) The validation of service request is received by the Commission more than six months after the last date of the period requiring validation.

NOTE: Authority cited: Section 45036, Education Code. Reference: Section 45036, Education Code.

HISTORY

1. Amendment of section heading, opening paragraph and subsections (a) and (b), and new subsections (c)–(g) filed 6–27–96; operative 7–27–96 (Register 96, No. 26).

§ 80604. Determination of Approval.

(a) If all of the conditions set forth in Sections 80601 and 80603 have been confirmed the request for approval shall be reported to the Commission by way of the regular agenda process at its earliest meeting. At that meeting the Commission shall determine whether the rendering of the service should be approved. If approved, the Executive Director of the Commission shall notify the applicant, the school district superintendent, and the county superintendent of schools that the rendering of such service has been approved in accordance with Education Code Section 45036.

(b) When it cannot be determined from the materials submitted whether or not an applicant has met the conditions specified in Section 80601(a) or that the conditions specified in Section 80603 do not apply, the validation of service request will be returned to the employing agency for additional information. If the required evidence is supplied within 30 days from the mailing of that notice, the approval procedure shall be implemented as specified in subsection (a) of this section.

(c) If the required evidence referred to in section 80604(b) is not returned to the Commission within such 30–day period, the employing agency will be notified in writing that the validation of service request has been denied. A copy of the denial letter will be sent to the county superintendent of schools so that the superintendent may fulfill his or her responsibilities under Education Codes §44330, §45034, and §44258.9.

(d) If any of the conditions set forth in Section 80601(a) have not been met or any of the conditions set forth in Section 80603 apply, staff will send a letter to the employing agency stating that the request has been denied. A copy of the denial letter will be sent to the county superintendent of schools so that the superintendent may fulfill his or her responsibilities under Education Codes §44330, §45034, and §44258.9

NOTE: Authority cited: Section 45036, Education Code. Reference: Sections 45036, 44330, 45034 and 44258.9, Education Code.

HISTORY

1. Renumbering of former section 80606 to new section 80604, amendment of subsections (a)–(c) and new subsection (d) filed 6–27–96; operative 7–27–96 (Register 96, No. 26).

§ 80606. Determination of Approval.

NOTE: Authority cited: Section 45036, Education Code. Reference: Sections 45036, 44330, 45034 and 44258.9, Education Code.

HISTORY

1. Renumbering of former section 80606 to new section 80604 filed 6–27–96; operative 7–27–96 (Register 96, No. 26).

Article 2. Professional Preparation Programs

§ 80632. Programs Providing Professional and Specialized Preparation for the Services Credential with a Specialization in Pupil Personnel Services: General Requirements.

(a) The Commission shall approve an educational program designed to prepare candidates for the Services Credential with a Specialization in Pupil Personnel Services if an application filed by an accredited institution of higher education provides the following assurances and information:

(1) That the institution of higher education has been accredited by a regional accrediting commission or association which has been approved by the Council on Postsecondary Accreditation and by the United States Education Department;

(2) That the institution has a curriculum that meets the requirements of (A) and one or more of (B), (C), (D), and (E) as specified below.

(A) In order to meet the scholastic needs of school pupils with a diverse range of needs, abilities and expectations, all programs approved as preparation in pupil personnel services shall give primary emphasis to helping public school pupils to achieve academic success by emphasizing the importance of academic advising.

(B) Credit for successful completion of a program of study for the school counselor specialization as specified in Sections 80632.1 and 80632.2 shall be:

Equivalent to a minimum of 30 semester or 45 quarter units; or 450 classroom hours of postbaccalaureate study;

(C) Credit for successful completion of a program of study for the school social work specialization specified in Sections 80632.1 and 80632.3 shall be:

Equivalent to a minimum of 45 semester units or 60 quarter units; or 675 classroom hours of postgraduate study.

(D) Credit for successful completion of a program of study for the school psychologist specialization specified in Sections 80632.1 and 80632.4 shall be:

Equivalent to a minimum of 60 semester unit or 90 quarter units; or 900 classroom hours of postgraduate study.

(E) Credit for successful completion of a program of study for the added child welfare and attendance specialization specified in Section 80632.5 shall be:

1. Equivalent to a minimum of 9 semester units or 13 quarter units; or 135 classroom hours of postgraduate study.

(3) That a procedure has been established that provides a record for each candidate to designate and complete a course of study based on an area of specialization in pupil personnel services chosen by the candidate for credentialing purposes;

(4) That the institution has a complete description of its candidate evaluation procedures which sets forth the institution's minimum objectives and verifiable standards of knowledge and skill that shall be demonstrated in courses and field experiences by each candidate in the areas of pupil personnel services selected by the candidate; and

(5) That a procedure has been established in which the institution shall certify that the candidate has satisfied all legal requirements for the Pupil Personnel Services Credential as specified in Education Code 44266.

NOTE: Authority cited: Sections 44225(b)(4) and 44225(q), Education Code. Reference: Sections 44227 and 44266, Education Code.

HISTORY

1. New section filed 30–31–89; operative 4–30–89 (Register 89, No. 14).

§ 80632.1. Generic Program of Instruction in Basic Pupil Personnel Services for all Specializations.

(a) Programs approved by the Commission pursuant to Sections 80632.2, 80632.3, and 80632.4 shall provide that each candidate demonstrates knowledge in the following areas of generic pupil personnel services:

(1) KNOWLEDGE OF TECHNIQUES FOR FACILITATING INDIVIDUAL GROWTH AND DEVELOPMENT TO ACHIEVE ACADEMIC SUCCESS, to include:

(A) Human growth and development, including:

1. Normal and abnormal human growth and development.

2. Individual strengths and weaknesses affecting learning.

3. Effects of cultural, racial, life–style and sex stereotyping.

4. Effects of family socio–economic status and life–style on pupil growth and development.

(B) Scope and degree of high school graduation requirements and curriculum standards.

(C) Existing remedial, developmental and special programs available to pupils in the school and the community.

(D) Individual and group counseling techniques.

(E) Principles and methods to help pupils learn effective ways to plan and give direction to their own learning.

(F) The effect of the Pupil Personnel Services Credential holder's values and biases upon the manner in which he/she provides services to pupils who come from differing socio–economic, racial, social backgrounds.

(G) Culturally appropriate communication styles and counseling techniques.

(2) KNOWLEDGE OF HUMAN ASSESSMENT, to include:

Assessment methods and theories related to emotional, intellectual and physical characteristics of typical and atypical pupils including limited English–proficient pupils, as these factors affect learning performance.

(3) KNOWLEDGE OF PROBLEM PREVENTION AND EARLY INTERVENTION, to include:

(A) Methods for early identification of pupils at risk of failing in school.

(B) Methods of working with school staff and parents, including planned prevention programs, to prevent school failure of pupils with special physical, social, intellectual and emotional problems and needs and to increase pupil success in school.

(C) Methods for effective conflict resolution.

(4) KNOWLEDGE OF CONSULTATION SERVICES, to include:

(A) Individual and team consultation processes.

(B) Pupil–advocacy processes.

(C) Principles and practices of effective classroom management.

(D) Principles and procedures of effective school discipline.

(E) Methods of initiating consultative relationships with and between teachers, other staff, and parents.

(5) KNOWLEDGE OF PSYCHOLOGICAL EDUCATION, to include:

(A) Theories of learning and teaching.

(B) Strategies to infuse into the classroom concepts and principles of human relations as contained in state–adopted frameworks.

(6) KNOWLEDGE OF COORDINATION AND DEVELOPMENT OF SERVICES, to include:

(A) How school professions work together.

(B) Methods to increase services to pupils and other school personnel.

(C) Use of paraprofessionals and volunteers.

(D) Principles of supervision and program planning.

(E) Personal and programmatic factors affecting school climate.

(F) Methods on how to bring about change within the school.

(G) Methods to develop and maintain staff morale.

(7) KNOWLEDGE OF LEGAL ENABLEMENTS AND CONSTRAINTS, to include:

(A) Relevant laws pertaining to pupils in a school setting.

(B) Appropriate compliance procedures relating to pupil personnel services.

(C) Methods to keep informed regarding changing laws, regulations and procedures related to California public education.

(8) KNOWLEDGE OF REFERRAL AND UTILIZATION OF SERVICES, to include:

Community services and referral processes.

NOTE: Authority cited: Sections 44225(b)(4) and 44225(q), Education Code. Reference: Sections 44227 and 44266, Education Code.

HISTORY

1. New section filed 3–31–89; operative 4–30–89 (Register 89, No. 14).

§ 80632.2. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Counseling.

(a) In addition to the knowledge requirements contained in Section 80632.1, the following specialized skills and knowledge shall be required of all persons seeking a Pupil Personnel Services Credential with the Advanced Specialization in School Counseling.

(1) ACADEMIC ASSESSMENT

(A) Knowledge of:

1. Group testing, state–mandated and other assessment programs and techniques as they apply to academic, career, personal/social counseling.

2. The effect of cultural and ethnic factors upon academic assessment and achievement.

3. The significance of the cultural/ethnic composition of the school and the community upon academic assessment and achievement.

(B) Skills, to include:

1. Selecting appropriate unbiased academic and other assessment instruments.

2. Administering a variety of academic and other assessment instruments.

3. Translating group academic and other test scores to a common reference system.

4. Interpreting to pupils, teachers, administrators, parents and others the results of these assessment instruments.

(2) COUNSELING SERVICES TO INDIVIDUALS

(A) Knowledge of:

1. Model high school graduation requirements;

2. Employment categories, school curricular and extracurricular opportunities that do not require post–high school education;

3. Post–high school education and training opportunities;

4. Programs of financial assistance;

5. Admission requirements of colleges and universities, vocational schools, and other post–secondary preparation agencies;

6. The world of work and the cultural value systems that pertain to the world of work;

7. Educational and career choice theories and techniques.

(B) Skills, to include:

1. Identifying and providing information and sources of information which would include educational and career choices.

2. Effective techniques for providing educational counseling to pupils and parents about academic and career decisions, including the selection of appropriate courses.

(3) PROGRAM COORDINATION AND SUPERVISION

(A) Knowledge of:

1. Counseling programs at the elementary, middle and high school levels, including the role of counselors as related to teachers, parents, administrators and other personnel.

2. School counseling budgeting procedures and sources of funds.

3. Supervision techniques appropriate for counseling programs.

4. Methods of evaluating school counseling programs.

(B) Skills, to include:

1. Planning, implementing and evaluating school counseling programs appropriate to the individual school site or district.

2. Planning a counseling program budget.

3. Supervising teacher–advisors, intern counselors, peer counselors, volunteer counselors or counseling paraprofessionals.

4. Conducting research to evaluate school counseling programs.

(4) CONSULTATION SERVICES TO THE SCHOOL

(A) Knowledge of:

1. Appropriate consultation models in working with teachers, administrators and parents regarding guidance and counseling practices and programs.

2. In–service practices and programs related to advising techniques.

3. Community resources.

(B) Skills, to include:

1. Providing consultation and in–service to teachers, administrators and parents regarding guidance and counseling practices and programs.

2. Involving the community in the counseling program.

3. Surveying community placement opportunities and the need for curriculum development in the schools as it relates to these needed knowledges and skills.

(5) LEGAL ASPECTS

(A) Knowledge of:

1. State requirements for scholastic progress and high school graduation;

2. California Education Code provisions and federal laws affecting school counseling programs.

(B) Skills, to include:

1. Procedures for implementing relevant laws and regulations.

(6) PROFESSIONAL ETHICS

(A) Knowledge of:

1. Official statements of the code of ethics related to professional counseling, including the American Association for Counseling and Development.

(B) Skills, to include:

1. Applying the codes of ethics to a specific counseling situation.

2. Applying professional standards when using assessment instruments.

(b) Field practice shall be required of all candidates.

(1) Field practice shall be in the knowledges and skills provided in subdivisions (a)(1) through (6) of this section.

(2) Field practice shall be at least four–hundred fifty (450) clock hours in duration, of which a minimum of three–hundred (300) clock hours shall be in a school setting, in direct contact with pupils assigned to the credential candidate by the college/university instructor and field supervisor.

(3) Field practice by credential candidates shall be under the supervision of an experienced practitioner (who holds a Pupil Personnel Services credential) approved jointly by the college/university and the school district administration.

(4) The field practice assignment shall be provided in at least two of three settings (elementary school, middle school and/or high school) and shall include a minimum of 100 clock hours at each setting.

[The next page is 463.]

(5) At least one-hundred (100) clock hours of field practice shall be with at least ten pupils (individually and/or in a group) of racial/ethnic background different from that of the credential candidate.

NOTE: Authority cited: Sections 44225(b)(4) and 44225(q), Education Code. Reference: Sections 44227 and 44266, Education Code.

HISTORY

1. New section filed 3-31-89; operative 4-30-89 (Register 89, No. 14).

§ 80632.3. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Social Work.

(a) In addition to the knowledge requirements contained in Section 80632.1, the following specialized skills and knowledge shall be required for all persons seeking a Pupil Personnel Services Credential with the Advanced Specialization in School Social Work.

(1) HUMAN ASSESSMENT AS DIRECT SERVICE TO PUPILS, to include:

(A) Knowledge, including:

1. The effects of social environments and socially handicapping conditions on the lives of pupils and on the educational process.

2. Individual development and family life as affected by poverty, culture or language, neglect or abuse, school-age parenthood, family breakdown, alienation and/or delinquency.

(B) Skills, including:

1. Securing participation of pupils, family, community groups, social service agencies and school personnel in the definition and comprehensive assessment of problems.

2. Conducting case, group and community analyses.

3. Evaluating socially-handicapping conditions in relation to pupil development and education programs.

4. Making recommendations to appropriate school authorities based on formulations derived from pupil, family, school and community environments.

(2) SOCIAL INTERVENTIONS, to include:

(A) Knowledge of social work methods and procedures appropriate to elementary and high school sites.

(B) Skills, including:

1. Utilizing appropriate social work methods for comprehensive assessment, planning and service-delivery.

2. Interpreting pupil's development, educational status and potential to enhance parental understanding and cooperation.

3. Assisting pupil and family to utilize available school resources and community-based services.

(3) CONSULTATION, COORDINATION AND DEVELOPMENT OF SERVICES, to include:

(A) Knowledge, including:

1. Social systems, organization theory and behavior, especially with reference to socially and economically disadvantaged groups.

2. The California Education Code and California Welfare and Institutions Code Sections pertaining to pupil welfare and attendance and to education rights and obligations.

(B) Skills, including:

1. Utilizing groups methods to assist school staffs in self-study, self-evaluation and goal attainment.

2. Communicating clearly and effectively with pupils, families, community groups, agency and court representatives, particularly to ameliorate concerns of truancy, violence, gang and racial tensions.

3. Developing, administering and evaluating curriculum components and programs designed to meet the needs of pupils from special student populations or with special problems, particularly those from socially and economically disadvantaged groups.

4. Securing the participation of parents as partners in education, particularly in attendance improvement, prekindergarten, school-aged parent and children's center programs.

5. Assisting in the resolution of differences between the school, family and the community with respect to the school's program.

(4) REFERRAL AND UTILIZATION, INVOLVEMENT AND USE OF COMMUNITY RESOURCES, to include:

(A) Knowledge or programs relating to income-maintenance, employment security, housing, health and mental health care, family planning, juvenile justice, family and child welfare and the developmentally disabled.

(B) Skills, including:

1. Establishing linkages between the school and relevant community service agencies.

2. Facilitating inter-agency arrangements and contracts for service.

3. Developing community resources to meet the needs of children and families with special problems.

(5) SOCIAL RESEARCH AND SERVICES BASED ON RESEARCH, to include:

(A) Knowledge of social research relevant to the needs of disadvantaged or at-risk pupils.

(B) Skills, including:

1. Developing, selecting and applying research that is free of race, class or sex bias, both in design and methodology.

2. Designing and conducting studies and writing research proposals for needs assessment, program development and program evaluation.

(6) CODE OF PROFESSIONAL ETHICS, to include:

(A) Knowledge, including:

1. The Code of Ethics of the National Association of Social Workers (NASW) and of the NASW Standards for Social Work Practice in the schools.

2. The joint policy statement of NASW and the National Education Association and other related professional organizations.

(B) Skills, including:

Applying the NASW Code of Ethics to school-site situations.

(7) SUPERVISION, to include:

(A) Knowledge, including:

1. Principles of supervision and consultation.

2. Consultative, teaching and supervision techniques.

(B) Skills, including:

1. Supervising field practice students, student-peers, parents and other volunteers.

2. Providing education, in-service training and consultation with special reference to individual pupils, families, social environments and the needs of socially disadvantaged groups.

(b) Field practice shall be required of all candidates.

(1) Field practice shall be in the knowledge and skills provided in subdivisions (a) (1) through (7) of this section.

(2) Field practice shall be at least four-hundred fifty (450) clock hours in duration, of which a minimum of three hundred (300) clock hours shall be in a school setting in direct contact with pupils assigned to the credential candidate by the college/university instructor and field supervisor.

(3) Field practice by credential candidates shall be under the supervision of an experienced practitioner (who holds a Pupil Personnel Services credential) approved jointly by the college/university and the school district administration.

(4) The field practice assignment shall be provided in at least two of three settings (elementary school, middle school and/or high school) and shall include a minimum of 100 clock hours at each setting.

(5) At least one-hundred (100) clock hours of field practice shall be with at least ten pupils (individually and/or in a group) of a racial/ethnic background different from that of the credential candidate.

NOTE: Authority cited: Sections 44225 (b) (4) and 44225 (q), Education Code. Reference: Sections 44227 and 44266, Education Code.

HISTORY

1. New section filed 3-31-89; operative 4-30-89 (Register 89, No. 14).

§ 80632.4. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Psychology.

(a) In addition to the knowledge requirements contained in Section 80632.1, the following specialized skills and knowledge shall be required by all persons seeking a Pupil Personnel Services Credential with the Advanced Specialization in School Psychology.

(1) FACILITATING INDIVIDUAL DEVELOPMENT, to include:

(A) Knowledge, including:

Advanced knowledge of human learning, human exceptionalities, cognitive, affective and biological bases of behavior, and development psychology, including those areas germane to pupils with special as well as regular educational needs.

(B) Skills, including:

Defining and clarifying children's school problems using psychological theories in working with parents and school personnel.

(2) INDIVIDUAL HUMAN ASSESSMENT, to include:

(A) Knowledge, including:

1. Psychometric knowledge underlying the selection, administration and interpretation of educational and psychological assessment procedures.

2. Influence of culture, ethnicity, sex and language proficiency on children's test performance.

3. Advanced assessment strategies and knowledge of individual differences necessary to evaluate a pupil's: 1) functional ability level, 2) school adjustment, 3) achievement, 4) language, 5) perceptual–motor development, 6) adaptive behavior, 7) social development, and 8) emotional development.

(B) Skills, including:

1. Selecting, administering, scoring, interpreting, integrating with other data and reports the results of psychological and educational tests and measures to parents, professionals and others with a legitimate interest in the child.

2. Conducting interviews, observations and behavioral assessments with preschool and school–aged children and adults.

3. Performing assessment studies for possible placement of pupils in special education programs.

4. Performing differential diagnosis of handicapping conditions, including but not limited to, learning disabilities, mental retardations, giftedness and severe emotional disturbance.

5. Performing assessment procedures in conjunction with an interpreter when working with limited–English speaking pupils.

(3) INDIVIDUAL INTERVENTION, to include:

(A) Knowledge, including:

1. Individual development, cognitive and behavioral change from the perspective of psychological theory.

2. The education of regular pupils and techniques of promoting individual development in the classroom.

3. Methods and theories for the modification of individual programs and educational environments.

4. Education of exceptional learners including instructional and remedial techniques.

(B) Skills, including:

1. Recommending pupil placements and individual educational plans based on individual pupil educational considerations, as well as classroom management needs, including pupils with special as well as regular educational needs.

2. Applying psychological methods to increase pupil school performance (methods such as life space interviewing, client–centered consultation, home school contracting, behavior management, self–instruction, reinforcement management strategies).

3. Supporting within the school nonschool community–based therapeutic and remedial efforts.

4. Responding to children's needs through psychological counseling and by creating new educational plans.

(4) EVALUATION, to include:

(A) Knowledge, including:

1. Advanced and specialized procedures used to evaluate pupil progress in educational programs and continued eligibility in educational programs.

2. Statistical methods used to evaluate cognitive and behavioral change over time.

(B) Skills, including:

Evaluating the effectiveness of earlier decisions by school authorities and parents regarding elements of the pupil's educational programs.

(5) CONSULTATION, to include:

(A) Knowledge, including:

1. School psychologists' role in the staff development of teachers and others including the parents of children with special as well as regular educational needs.

2. Theories of institutional and organizational change from a psychological perspective.

3. Consultation with school personnel on a variety of psychological principles relating to classroom climate, instructional programs, individual needs of particular children and youth, particularly with references to pupils' special needs.

(B) Skills, including:

1. Using a variety of consultation techniques with school personnel, as well as evaluate the effects of consultative interactions.

2. Planning, conducting and evaluating inservice training programs for school personnel, including programs for teachers of pupils with special as well as regular educational needs.

3. Functioning as a professional school psychologist on an interdisciplinary team involved in evaluation/assessment/diagnostic service delivery.

4. Planning group educational experiences for pupils aimed at improving social and emotional development and functioning.

5. Planning, conducting and evaluating parent education programs, especially programs in child–rearing and discipline.

(6) GROUP ASSESSMENT, to include:

(A) Knowledge, including:

1. Screening and preassessment procedures.

2. Advanced and specialized knowledge of group tests and measures.

3. Procedures to evaluate the social system's needs.

(B) Skills, including:

1. Developing, carrying out screening and identification programs for children and young adults for special education programs.

2. Developing, conducting and coordinating districtwide or schoolwide group assessment programs.

(7) PROGRAM EVALUATION, to include:

(A) Knowledge, including:

Advanced and specialized program evaluation theories and techniques.

(B) Skills, including:

1. Applying designs and methods to evaluate educational programs designed to meet pupil's special as well as regular educational needs.

2. Applying designs and methods to evaluate educational programs designed to meet the needs of pupils or educators.

(8) LEGAL ASPECTS, to include:

(A) Knowledge, including:

1. California Education Code provisions and federal legislation, related to special education funding and program requirements.

2. Advanced and specific knowledge of case law, related to programs of regular and special education and parents' and childrens' rights.

(B) Skills, including:

Evaluating school district procedures to assure compliance with State Education Code, federal regulations and case law related to regular and special education programs.

(9) COMMUNITY RESOURCES, to include:

(A) Knowledge, including:

1. Community agencies and resources available to help children, particularly those children with exceptional needs.

2. Making referrals for assistance to non–school personnel.

(B) Skills, including:

1. Acting as liaison to community agencies providing services to pupils, particularly pupils with exceptional needs.

2. Identifying within the schools those pupils who need referral to medical, psychiatric or other health care providers and making such referrals.

(10) RESEARCH, to include:

(A) Knowledge, including:

Research method and designs, particularly those used to study pupils with special as well as regular educational needs and to discover ways to prevent failure in school.

(B) Skills, including:

(i) Collecting, organizing and providing information to school personnel and parents from psychological research findings.

(ii) Conceptualizing, designing, implementing and sharing the results of school related research.

(11) PROFESSIONAL ETHICS, to include:

(A) Knowledge, including:

(i) Official statements of the Code of Ethics of the American Psychological Association, the National Association of School Psychologists and the California Association of School Psychologists.

(ii) The principles of professional organizations for delivery of school psychological services.

(B) Skills, including:

(i) Applying ethical principles in the practice of school psychology.

(ii) Interpreting and applying professional standards of psychological service delivery.

(iii) Performing self–assessment to identify personal needs for continuing education in school psychology.

(12) SUPERVISION, to include:

(A) Knowledge, including:

(i) Principles of supervision.

(ii) Appropriate patterns of supervision, supervisor–staff relations, scheduling patterns, and the models for supervisory relationships in a service delivery system.

(B) Skills, including:

Supervising psychological examiners, paraprofessionals and others providing school psychological services who are not fully credentialed school psychologists.

(b) Field practice shall be required of all candidates.

(1) Field practice shall be in the knowledges and skills provided in subdivisions (a)(1) through (12) of this section.

(2) Field practice shall be at least five–hundred forty (540) clock hours in duration, of which a minimum of three–hundred eighty (380) clock hours shall be in a school setting, in direct contact with pupils assigned to the credential candidate by the college/university instructor and field supervisor.

(3) Field practice by credential candidates shall be under the supervision of an experienced practitioner (who holds a Pupil Personnel Services credential) approved jointly by the college/university and the school district administration.

(4) The field practice assignment shall be provided in at least two of three settings (elementary school, middle school and/or high school) and shall include a minimum of 100 clock hours at each setting.

(5) At least one–hundred (100) clock hours of field practice shall be with at least ten pupils (individually and/or in a group) of a racial/ethnic background different from that of the credential candidate.

NOTE: Authority cited: Sections 44225(b)(4) and 44225(q), Education Code. Reference: Sections 44227 and 44266, Education Code.

HISTORY

1. New section filed 3–31–89; operative 4–30–89 (Register 89, No. 14).

2. Editorial correction restoring inadvertently omitted subsections (a)(10)(B) through (b)(5). NOTE and HISTORY 1 (Register 2003, No. 23).

§ 80632.5. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Child Welfare and Attendance Services.

(a) In addition to the requirements contained in Section 80632.1 and one of the specializations contained in Section 80632.2, 80632.3, or 80632.4, the following specialized knowledge and skills shall be required for persons seeking the additional Specialization in School Child Welfare and Attendance.

(1) ATTENDANCE LAWS AND THE RIGHTS OF MINORS, to include:

(A) Knowledge, including:

1. State Code requirements governing school attendance.

2. Child labor laws, both federal and state.

3. State Code provisions pertaining to juvenile delinquency.

4. State Code provisions for tutoring and private school attendance in lieu of regular school attendance.

(B) skills, including:

1. Conducting assessment of student attendance.

2. Interpreting attendance laws to students.

3. Intervening at appropriate times for solving attendance problems of students.

(b) Field practice shall be required of all candidates and shall be in addition to the field practice required in Sections 80632.2(b), 80632.3(b) or 80632.4(b)

(1) Field practice shall be in the knowledges and skills provided in subdivision (a)(1) of this section.

(2) Field practice shall be at least ninety (90) clock hours in duration, in a school setting, in direct contact with pupils assigned to the credential candidate by the college/university instructor and field supervisor.

(3) Field practice by credential candidates shall be under the supervision of an experienced practitioner (who holds a Pupil Personnel Services credential) approved jointly by the college/university and the school district administration.

(c) Credit may be granted by the college/university toward the required ninety (90) hours provided in subdivision (b) of this section for equivalent field practice completed previously by the candidate as part of an approved Pupil Personnel Services program at the same or another institution of higher education.

NOTE: Authority cited: Sections 44225(b)(4) and 44225(q), Education Code. Reference: Sections 44227 and 44266, Education Code.

HISTORY

1. New section filed 3–31–89; operative 4–30–89 (Register 89, No. 14).

§ 80640. Approval of Programs of Preparation for the Authorization to Teach the Seriously Emotionally Disturbed.

(a) Programs of direct instruction shall be designed for candidates to develop specific skills and knowledge in each of the following competency areas:

(1) Causes, characteristics, and definitions of seriously emotionally disturbed pupils.

(A) Historical development.

(B) Characteristics relative to problems of environmental conflict, personal disturbance, and learning disorders.

(C) Etiological and dynamic theories.

(D) Diagnostic, educational and medical models.

(E) Developmental/emotional/educational ramifications of children born addicted to drugs.

(2)Assessment and curriculum design in academic and social domains.

(A) Academic skills.

(B) Affective development.

(C) Social skills.

(D) Self management and study skills.

(E) Vocational skills.

(F) Behavior and impulse control.
(3) Repertoire of varied instructional strategies.
(A) Teacher directed/mediated.
(B) Student–initiated.
(C) Peer–supported.
(D) Vocational/community–supported.
(E) Group and individual.
(4) Classroom and advanced behavior management.
(A) Classroom organization.
(B) Ecological intervention.
(C) Contingency management.
(D) Crisis intervention.
(E) Ethical considerations.
(F) Selection of least intrusive interventions.
(G) Behavioral data collection, interpretation and use.
(H) Individual and group techniques.
(I) Re–integration/mainstreaming approaches.
(5) Consultation and coordination.
(A) Community resources, including mental health agencies, child protective services, regional centers and probation departments.
(B) Parent/professional collaboration.
(C) Other professionals, including resource specialists and regular classroom professionals.
(b) Field work shall consist of:
(1) Application of the knowledges and skills gained in subdivisions (a) (1) through (5) of this section.
(2) Assessment in a public school setting, or private school of equivalent status.
(3) Completion of a minimum of 100 clock hours of direct contact with pupils.
(4) Supervision of the student by at least one person who is appropriately certificated for the area of service.

NOTE: Authority cited: Sections 44225(b), 44227 and 44256(c), Education Code. Reference: Section 44265, Education Code.

HISTORY

1. New section filed 11–13–89; operative 12–13–89 (Register 89, No. 46).

§ 80641. Approval of Programs of Preparation for the Authorization to Teach Other Health Impaired (Autistic).

(a) Programs of direct instruction shall be designed for candidates to develop specific skills and knowledge in each of the following competency areas:
(1) Causes, characteristics, and definitions of autism.
(A) Historical perspectives.
(B) Organic vs. psychogenic vs. interactive causation.
(C) Definitions and differential diagnosis.
(D) Behavior and learning characteristics in relation to developmental level and age.
(E) Developmental profiles: strengths and weaknesses.
(2) Assessment and curriculum design in academic and social domains.
(A) Communication, including verbal as well as nonverbal communication, and augmentation.
(B) Social and cognitive development.
(C) Peer interaction and play.
(D) Community, vocational and transition referenced skills.
(E) Academic skills.
(F) Behavior and impulse control.
(G) Leisure skills.
(3) Repertoire of varied instructional strategies.
(A) Teacher directed/mediated.
(B) Student–initiated.
(C) Peer–supported.
(D) Group and individual.
(4) Classroom and advanced behavior management.
(A) Classroom organization.
(B) Ecological intervention.
(C) Contingency management.
(D) Developmental and communicative basis of behavior problems.
(E) Ethical consideration.
(F) Selection of least intrusive interventions.
(5) Consultation and coordination.
(A) Community resources, including mental health agencies, regional centers, child protective services, and probation departments.
(B) Parent/professional collaboration.
(C) Other professionals.
(b) Field work shall consist of:
(1) Application of the knowledges and skills gained in subdivisions (a) (1) through (5) of this section.
(2) Assessment in a public school setting, or private school of equivalent status.
(3) Completion of a minimum of 100 clock hours of direct contact with pupils.
(4) Supervision of the student by at least one person who is appropriately certificated for the area of service.

NOTE: Authority cited: Sections 44225(b), 44227 and 44256(c), Education Code. Reference: Section 44265, Education Code.

HISTORY

1. New section filed 11–13–89; operative 12–13–89 (Register 89, No. 46).

Article 3. Other Program Approval Procedures

Subarticle 1. Faculty Participation in the Public Schools

§ 80674.1. Definitions.

As used in this subarticle, the following terms shall have the meanings set forth below:
(a) "Professional preparation program" refers to all programs of an accredited higher education institution which lead to a multiple subject, single subject, specialist, or administrative services credential.
(b) "Direct instructional interaction" means instruction of an elementary or secondary school class, group, or individual, carried out alone or in a team arrangement with the regular classroom teacher.
(c) "Course in teaching methods" means any course offered in an approved program at a higher education institution which focuses upon applied classroom instructional strategies and techniques for effective instruction of elementary and secondary pupils.
(d) "Course in administrative methods" means any course offered in a Commission–approved program at a higher education institution which focuses upon applied strategies and techniques for effective administration of the public schools.
(e) "Evaluation process" is the Commission's process by which teacher education programs accredited higher education institutions are approved, placed on probation, or terminated as a result of being visited by a team of external evaluators. This team is composed of educators, including classroom teachers, and lay persons.
(f) "Probationary status" means the status assigned to an approved program of professional preparation which has been determined to be out–of–compliance with one or more Commission requirements on the basis of findings by a program evaluation process, but which is allowed to continue operation and recommend candidates for credentials. The term "Probationary Approval" does not apply to subject matter programs. The implementing institution of higher education/local education agency has no more than one year to correct the identified deficiencies and to regain "Standard Approval" or be subject to "Terminated Approval."
(g) "Reports" are written reports requested by the Commission which document data about the faculty participation programs deemed to be worth collecting and sharing with institutions of higher education and others interested in teacher education.

(h) "Commission" means the Commission on Teacher Credentialing, referenced in section 44210 of the Education Code.

NOTE: Authority cited: Sections 44225(b) and 44228, Education Code. Reference: Sections 44227.5 and 44203(d), Education Code.

HISTORY

1. New article 3 (sections 80674.1–80674.7) filed 10–2–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 40).
2. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."
3. Amendment filed 3–29–90; operative 4–28–90 (Register 90, No. 16).
4. Amendment of subsection (d) filed 4–6–92; operative 5–6–92 (Register 92, No. 14).
5. Amendment of first paragraph filed 11–21–95; operative 12–21–95 (Register 95, No. 47).

§ 80674.2. Time Periods and Requirements for Faculty Members Required to Participate in the Public Schools.

(a) For purposes of implementation of these rules the initial three–year period to determine required participation pursuant to this section and section 80674.3 shall commence on October 2, 1985 for educational methods faculty and October 1, 1987 for education administration methods faculty.

(b) Each faculty member who has taught at least one course in teaching methods and/or administrative methods in professional preparation programs during the preceding three–year period shall actively participate in the public schools in activities provided in Section 80674.3 of these rules.

(c) Each faculty member affected by these provisions shall participate for a minimum of thirty (30) clock hours each three–year period.

(d) Each successive three–year period of required participation for an individual faculty member affected by these rules shall not be required to commence before thirty–six (36) months has elapsed from the initial date of the preceding three–year period of participation.

Note: According to Education Code §44227.5 (d) the Commission shall exempt from this requirement faculty members whose primary assignments are in departments or schools other than education.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44227.5, Education Code.

HISTORY

1. Editorial correction filed 11–19–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 47).
2. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."
3. Amendment filed 3–29–90; operative 4–28–90 (Register 90, No. 16).
4. Amendment of subsections (a) and (b) and adoption of NOTE filed 4–6–92; operative 5–6–92 (Register 92, No. 14).

§ 80674.3. Active Faculty Participation in the Public Schools.

Active participation shall be involvement in a public elementary or secondary school and/or district office in a competency area related to the faculty member's assignment in the professional preparation program.

Acceptable activities for meeting the requirement for active participation by faculty members affected by this statute are those activities which

[The next page is 467.]

enhance the professional development of the faculty through direct involvement in public schools and classrooms and/or the administrative functions of the public schools. Such involvement shall consist of either (a) or (b):

(a) For faculty members whose assignment is to teach one or more courses in teaching methods such involvement shall include:

(1) Direct instructional interaction with students in a classroom setting during the regular school day for a minimum of one–half the time assigned for each faculty member to participate in the public schools.

(2) The other half of the assigned time may also include the following activities conducted within the context of the classroom for a maximum of one–half the time assigned for each faculty member to participate in the public schools:

(A) Inservice education/staff development for school personnel and faculty.

(B) Curriculum development.

(C) Research grants and/or pilot projects related to the schools.

(D) Educational service to school districts and/or county offices.

(E) Clinical supervision of student teachers and/or inservice of classroom teachers.

(b) For faculty members whose assignment is to teach one or more courses relating to administrative methods, such involvement shall include participation in the administrative and instructional functions of the public schools and may include:

(1) Direct interaction with students, teachers and administrators during the regular school day.

(A) Administrative service to school districts and/or county offices.

(B) Other educational service to school districts and/or county offices.

(C) Direct instructional interaction with students in a classroom setting during the regular school day.

(D) Inservice education/staff development for school personnel and faculty.

(E) Research grants and/or pilot projects related to the schools.

(F) Curriculum development.

(2) Supervision of administrative fieldwork or internships may count for a maximum of one–half the time assigned for each faculty member to participate in the public schools.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44227.5, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."
2. Amendment filed 3–29–90; operative 4–28–90 (Register 90, No. 16).
3. Amendment of subsection (b) and adoption of subsections (b)(1)–(2) filed 4–6–92; operative 5–6–92 (Register 92, No. 14).

§ 80674.4. Faculty Implementation Plan.

Individual higher education faculty members who are affected by this regulation shall complete a plan for their participation in the public schools, pursuant to section 80674.3, to be approved and retained by the college or university administrator responsible for teacher and administrator education for the purposes of review prior to participating in a school–based activity which shall include, but not be limited to, the following:

(a) A signed general agreement between the institution and the school district to participate in the process provided in section 80674.3.

(b) A specific proposal describing the activity/activities developed by the faculty member, in conjunction with the appropriate school district administrators and classroom teachers when applicable, and signed by all parties to the agreement.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44227.5, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."
2. Repealer of former section 80674.4, and renumbering and amendment of former section 80674.5 to section 80674.4 filed 3–29–90; operative 4–28–90 (Register 90, No. 16). For prior history, see Register 89, No. 46.

§ 80674.5. Reporting of Exemplary Practices.

School districts and/or institutions of higher education shall, upon request, provide the Commission periodically with summaries and reactions regarding the successes and benefits of the participation activities and implementation modes.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44227.5, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."
2. Renumbering and amendment of former section 80674.5 to 80674.4, and renumbering of former section 80674.6 to section 80674.5 filed 3–29–90; operative 4–28–90 (Register 90, No. 16). For prior history, see Register 89, No. 46.

§ 80674.6. Verification Procedure.

(a) A verification procedure shall be established by the responsible college or university administrator in which the completed participation activities of each participating faculty member are reported to the responsible college/university administrator. The college or university administrator in collaboration with the responsible administrator in each participating school district shall verify whether or not the participation activity has been completed by each affected faculty member.

(b) All documentation of faculty participation activities shall be reviewed for compliance during the evaluation process and shall be subject to random monitoring by the Commission. Failure by the responsible college or university administrator to provide verification that all affected faculty members have satisfied the provisions of sections 80674.2 and 80674.3 may result in the assignment of probationary status for each professional preparation program whose assigned faculty member or members have not fulfilled these requirements.

(c) Institutions of higher education shall provide reports on implementation of these provisions to the Commission upon request.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44227.5, Education Code.

HISTORY

1. Organizational headings of CCR were renamed as a result of CCR Reformat Project as follows: "Part" was renamed to "Division."
2. Renumbering of former section 80674.6 to section 80674.5, and renumbering and amendment of former section 80674.7 to section 80674.6 filed 3–29–90; operative 4–28–90 (Register 90, No. 16). For prior history, see Register 89, No. 46.

§ 80674.7. Verification Procedure.

HISTORY

1. Renumbering and amendment of former section 80674.7 to section 80674.6 filed 3–29–90; operative 4–28–90 (Register 90, No. 16). For prior history, see Register 89, No. 46.

Subarticle 2. Guidelines for Staff Development Programs for Teachers of English Learners

§ 80680. Guideline Category 1: Guidelines for the Content of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New subarticle 2 and section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80681. Guideline Subcategory 1–A: General Content Guidelines for All Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80681.1. Guideline 1: Understanding Background Characteristics of English Learners.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80681.2. Guideline 2: Educational Equity and Positive Intercultural Relations.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80681.3. Guideline 3. Definition and Role of ELD and SDAIE in the Education of English Learners.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80681.4. Guideline 4. Theories of First and Second Language Acquisition.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80682. Guideline Subcategory 1–B: Additional Content Guidelines for Staff Development in Specially Designed Academic Instruction Delivered in English (SDAIE).

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80682.1. Guideline 5: Research and Theory for SDAIE.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80682.2. Guideline 6: Matching Content Instruction to Language Abilities.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80682.3. Guideline 7: Using Language and Literacy for Learning Content.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80682.4. Guideline 8: Assessment of Content Learning.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).

5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80683. Guideline Subcategory 1–C: Additional Content Guidelines for Staff Development in English Language Development.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80683.1. Guideline 9: Sociolinguistic Concepts and Terminology for Understanding English Language Development.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80683.2. Guideline 10: Methods for Second Language Teaching.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80683.3. Guideline 11: Literacy for English Language Development.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80683.4. Guideline 12: Assessment of English Language Development.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80685. Guideline Category 2: Guidelines for the Quality of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80686. Guideline Subcategory 2–A: Guidelines for the Qualifications of Staff Developers and Trainers of Staff Developers.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80686.1. Guideline 13: Professional Qualifications of Staff Developers.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80686.2. Guideline 14: Professional Qualifications of Trainers of Staff Developers.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80687. Guideline Subcategory 2–B: Planning and Evaluation of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80687.1. Guideline 15: Planning and Organization of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80687.2. Guideline 16: Instructional Focus of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80687.3. Guideline 17: Matching Instructional Content with Participants' Prior Knowledge and Experience with English Learners.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80687.4. Guideline 18: Active Modeling of Instructional Methods.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80687.5. Guideline 19: Assessment of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80688. Guideline Subcategory 2–C: Assessment of Staff Development Program Participants.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80688.1. Guideline 20: Ongoing, Informal Evaluation of Each Participant's Learning.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80688.2. Guideline 21: Assessment of Participants at the Conclusion of the Program.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80688.3. Guideline 22: Assessment Requirements to Meet Federal Guidelines.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.

2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80689. Guideline Subcategory 2–D: Administration of Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80689.1. Guideline 22: Allocation of Resources for Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80689.2. Guideline 23: Eligibility of Teachers to Participate in Combined SDAIE and ELD Staff Development in 45 Hours.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80689.3. Guideline 24: Program Length, Participation and Record Keeping.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80689.4. Guideline 25: Award of Certificates of Completion.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80690. Guideline Subcategory 2–E: Eligibility of Organizations to Offer Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

§ 80690.1. Guideline 26: Eligibility of Educational and Professional Organizations to Offer Staff Development Programs.

NOTE: Authority cited: Sections 44225(a), 44253.9 and 44253.10, Education Code. Reference: Sections 44253.2 and 44253.10, Education Code.

HISTORY

1. New section filed 5–10–95 as an emergency; operative 5–10–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–7–95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g); effective 9–8–95 (Register 95, No. 47).
3. Editorial correction of HISTORY 1 (Register 95, No. 47).
4. New section filed 11–21–95; operative 12–21–95 (Register 95, No. 47).
5. Change without regulatory effect repealing section filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 9. Secretary for Education

Vol. 7

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Division 9. Secretary for Education

TABLE OF CONTENTS

Page

Chapter 1. Education Technology Grant Program 477

§ 90000.
§ 90001. Definitions.
§ 90002. Report Regarding Projected Installed Base of Education Technology.
§ 90003. CTAP Report Regarding Barriers to AP Online Content.
§ 90004. Calculation of Grants.
§ 90005. Preparation by Eligible Schools, Release of Funds.
§ 90006. Assurances from School Districts.
§ 90007. On-Site Compliance Visits.
§ 90008. Early Awards for Schools With Extreme Hardships.
§ 90009. Authority for Secretary to Extend Application Date.

Division 9. Secretary for Education

Chapter 1. Education Technology Grant Program

§ 90000.

This program shall be known as the Education Technology Grant Program.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New division 9 (chapter 1), chapter 1 (sections 90000–90009) and section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90001. Definitions.

For purposes of this program, pursuant to Chapter 8.6 of Part 27, commencing with Section 52270 of the Education Code, the following definitions shall apply:

(a) "Computers" as used in Education Code section 52270 means multimedia computers, with access to a CD–ROM internally or over a network, with the capacity to access Internet–based resources. Technical specifications for computers purchased through this act shall comply with those specified by the Secretary for Education in the document "ETGP Technical Specifications Rev. 11–6–00." This document is incorporated by reference and can be found on the Secretary for Education's web site at www.ose.ca.gov/edtech/ or may be obtained by calling the Secretary's office at (916) 323–0611. These technical specifications are not designed to limit the flexibility of eligible schools to choose the appropriate technology for their needs, but to set an appropriate "floor" for minimum technical specifications so that equipment purchased under this program will continue to be useful for three to five years into the future.

(b) "Access to advanced placement courses online" as used in Education Code section 52270(c) means that all computers acquired through this program shall have a networked connection to the Internet and meet the minimum technical specifications set by the Secretary for Education in the document "ETGP Technical Specifications Rev. 11–6–00." This document is incorporated by reference and can be found on the Secretary for Education's web site at www.ose.ca.gov/edtech/ or may be obtained by calling the Secretary's office at (916) 323–0611.

(c) "Education technology plan" as used in Education Code section 52270 means any of the following:

(1) a district or school technology plan that complies with the requirements of the federal E–rate program,

(2) an approved Digital High School Application for each school site receiving grant funding, or

(3) a Digital High School Application in progress,

(4) a technology plan in progress.

(d) Schools or school districts eligible for funding under this program, as expressed in Education Code Section 52270(g) means a comprehensive high school, a charter school, a continuation school, an alternative school that operates a computer lab or learning center, a community day school, or a county office of education, serving students in grades 9–12, and with a CDS high school ownership code. For the purposes of these regulations, "eligible school or district" does not include the California Youth Authority, ROC/ROP, state special schools, or distance learning schools.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order, including further amendment of subsections (a), (b) and (d), transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90002. Report Regarding Projected Installed Base of Education Technology.

(a) No later than 30 days after the enactment of these regulations, school districts with eligible schools and eligible charter schools that choose to participate shall submit an application with the following information to their California Technology Assistance Project (CTAP) region. This application shall be signed and final approval will be granted as follows:

(1) an application for funding, indicating the district or charter school's willingness to accept the assurances requested under section 90006 of these regulations, subject to final approval as described below:

(A) For direct–funded charter schools, the application shall be signed by the director of the charter school, and final approval for accepting the grant under the assurances required by this program shall be given by the director of the charter school.

(B) For locally–funded charter schools, the application shall be signed by the director of the charter school and the final approval for accepting the grant under the assurances required by this program shall be given by the director of the charter schools and the governing board for the charter school.

(C) For all other schools, the application shall be signed by the superintendent or fiscal agent of the school district, and the final approval for accepting the grant under the assurances required by this program shall be given by the governing board of the school district.

(2) an inventory of technology at each eligible school site, including the number of computers available for instructional use as of October 4, 2000, the number of multimedia computers available for instructional use, the number of classrooms as of October 4, 2000, the number of classrooms with Internet access, the number of computers the eligible school expects to acquire through grants from Year 2, Year 3 or Year 4 of the Digital High School program or other known public or private sources, and the enrollment of the school as reported in the October 2000 California Basic Educational Data System collection.

(b) No later than 45 days after the enactment of these regulations, CTAP, in consultation with and under the statutory direction of the California Department of Education (CDE), pursuant to Section 51871(a) of the Education Code, shall review the applications for accuracy, verify consistency with existing data, and prepare a report for the Secretary for Education regarding the ratio of students to computers in eligible schools serving students in grades 9–12. The report shall have each of the following elements:

(1) Delivered both on paper and electronically, in a format that is acceptable to the Secretary for Education.

(2) Include the information collected from eligible schools pursuant to Section 90002(a) of these regulations.

(3) Calculate the student–to–multimedia computer ratios for each eligible school, in addition to an actual count of hardware, based on the data eligible schools report to CTAP.

(4) Detail the best projections of CTAP and CDE regarding expected increases in the hardware available for instructional use in each eligible school due to planned hardware installations as a result of Year 2, Year 3 or Year 4 Digital High School grants, as well as other public or private sources which are known as of October 1, 2000. This projection shall be known as "expected increases in hardware."

(5) A "projected ratio" of students–to–multimedia computers available for instructional use at eligible schools, derived by combining the "student–to–multimedia computer ratio" and the "expected increases to hardware".

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90003. CTAP Report Regarding Barriers to AP Online Content.

No later than 45 days after the enactment of these regulations, CTAP, in consultation with and under the statutory direction of CDE pursuant to Section 51871(a) of the Education Code, shall provide the Secretary for Education with a report identifying high schools that provide three (3) or fewer Advanced Placement courses, and that need hardware, infrastructure or wiring to provide connectivity for on–line classes. CTAP shall work with school districts and eligible schools to determine whether individual school sites plan to provide Advanced Placement courses via technology, and shall report on the hardware, infrastructure and wiring necessary to bring eligible schools online Advanced Placement courses. Further, the report shall identify other resources that could address these needs, such as the Digital High School program or the federal E–rate program, and estimate the specific technology needs for each school site that may be funded from the Education Technology Grant Program.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90004. Calculation of Grants.

(a) The priority for the distribution of funds shall be as follows:

(1) The first priority shall be eligible schools serving grades 9–12 that provide three (3) or fewer Advanced Placement courses, and that need hardware, infrastructure or wiring that is not available from other sources to achieve connectivity to on–line Advanced Placement classes.

(2) The second priority shall be eligible schools serving students in grades 9–12 that have a projected student–to–multimedia computer ratio, as defined in section 90002(b)(5) of these regulations, of greater than 5:1.

(3) The third priority, if any funds remain from this one–time allocation, shall be eligible schools serving grades 9–12 that have a projected student–to–multimedia computer ratio, as defined in section 90002(b)(5) of these regulations, of equal to or less than 5:1.

(b) The Secretary for Education, upon receipt of the reports from CTAP, shall:

(1) Calculate the funds necessary for each Priority One school to provide Advanced Placement content online, in order to ensure that each Priority One school can offer a total of four or more Advanced Placement courses.

(2) Calculate the funds required to reduce the projected ratio of students–to–computers in each eligible Priority Two school, based on an allocation of $1500 per computer. The Secretary for Education has set a preliminary goal of reducing all Priority Two schools to a 5:1 ratio. However, the Secretary for Education retains the authority to adjust the ratio to a higher or lower ratio, depending on the results of the CTAP survey, in order to remain within the $175 million in one–time funds allocated for this program. Allocations shall be made in such a manner as to improve or maintain an equal ratio across all eligible high schools.

(3) Allocate Priority Three grants, based on an allocation of $1500 per computer, should any funds remain after funding the Priority One and Priority Two eligible schools. Allocations shall be made in such a manner as to improve or maintain an equal ratio across all eligible high schools.

(c) Once the calculations required in subparagraph (b) are completed, the Secretary for Education shall notify eligible schools or districts in writing of the amounts allocated for each eligible school, and notify eligible schools or districts of the student–to–multimedia computer ratio they will be expected to reach with the amount of funding provided. Schools may elect to participate pursuant to Section 90005 of these regulations.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order, including further amendment of subsections (a)(3) and (b)(3), transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90005. Preparation by Eligible Schools, Release of Funds.

(a) Upon notification that the Secretary for Education has calculated the amount of funds available for each school district with eligible schools, CTAP shall:

(1) Work with eligible schools to ensure each district or school site has a technology plan that complies with these regulations.

(2) Obtain award agreements, approved by the governing body of each participating charter school or school district with eligible schools as specified in Section 90002(a)(1), that detail the funds allocated by the Secretary for Education and the charter school or school district's commitment to reduce the student–to–multimedia computer ratio in eligible schools to the ratio specified by the Secretary for Education pursuant to Section 90004(b) of these regulations.

(b) Upon documenting receipt of a technology plan that complies with these regulations, a completed application, and a completed award agreement, CTAP shall forward a copy of the signed assurances and award agreements to the Secretary for Education, who shall request the State Controller release one hundred percent (100%) of the funds encumbered for each eligible school to the school district or charter school.

(c) Participating charter schools or school districts must encumber funds received pursuant to this program by June 30, 2001, by issuing a purchase order or entering into a contract to purchase or lease a sufficient number of computers to meet the student–to–multimedia computer ratio determined by the Secretary for Education pursuant to Section 90004(b) of these regulations. Participating charter schools or school districts must complete and certify the installation of new equipment purchased or leased with Education Technology Grant Program funds by March 1, 2002. Participating charter schools or school districts must file an "End of Grant Expenditure Report/Certification of Completion" with the participating CTAP region within 30 days of installation, and no later than March 1, 2002.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order, including further amendment of subsections (a)(2) and (c), transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90006. Assurances from School Districts.

As a condition of receiving funds under the Education Technology Grant Program, the governing body of a participating charter school or school district agrees to repay any funding received if the following conditions have not been met:

(a) the grant funds will be awarded by the charter school or school district to eligible schools.

(b) the charter school or school district has an education technology plan or will develop a plan with the assistance of CTAP within 90 days after submission of this assurance.

(c) the charter school or school district agrees to improve the student–to–multimedia computer ratio to the ratio specified by the Secretary for Education pursuant to Section 90004(b) of these regulations.

(d) all equipment purchased through these funds shall be Internet–ready and meet the technical specifications set by the Secretary for Education in the document "ETGP Technical Specifications Rev. 11–6–00." This document is incorporated by reference and can be found on the Secretary for Education's web site at www.ose.ca.gov/edtech/ or may be obtained by calling the Secretary's office at (916) 323–0611.

(e) the charter school or school district will obtain a maintenance agreement for all equipment acquired through this program at the time of purchase/lease or otherwise identify funding for maintenance/support of the equipment for a period of not less than three (3) years.

(f) all hardware acquired under this program will be used for instructional purposes.

(g) all hardware acquired under this program will be placed in classrooms, libraries, or technology/media centers at the school site.

(h) the technology purchased or leased with funds from the Education Technology Grant Program will be used to ensure that eligible schools provide a total of four or more Advanced Placement courses, if a charter school or school district receives Priority One funding in order to purchase the hardware, infrastructure or wiring necessary to provide connectivity for on–line Advanced Placement classes at a charter school or school district.

(i) The school district will file an "End of Grant Expenditure Report/ Certification of Completion" with CTAP no later than thirty days after completion of the installation, and not later than March 1, 2002.

(j) The charter school or school district has adopted a policy regarding access by pupils to Internet and on–line sites, pursuant to Section 51870.5 of the Education Code.

(k) The charter school or school district agrees to update the California Education Technology Inventory for each school, including existing equipment, and the new equipment funded by this program.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order, including further amendment of subsections (a), (c) and (d), transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90007. On–Site Compliance Visits.

(a) CTAP shall conduct on–site compliance visits for no less than 10% of the eligible schools awarded grants under the Education Technology Grant Program and report results to the Secretary for Education by June 30, 2002. The compliance visit shall include:

(1) Whether the charter school or school district met the assurances outlined in section 90006 of these regulations, with special emphasis on whether eligible schools met the student–to–multimedia computer ratio designated by the Secretary for Education pursuant to Section 90004(b) of these regulations.

(2) Whether the charter school or school district has entered all relevant education technology inventory data in the California Education Technology Inventory.

(3) Other relevant measures of progress as determined by CTAP.

(b) If, based on the on–site compliance visit, CTAP determines that the terms of the award agreement have not been met, CTAP shall notify the Secretary for Education, who, pursuant to the assurances in section 90006 of these regulations, and upon a finding of material non–compliance with the assurances, will instruct the State Controller to withhold funding from the next apportionment due to the school district.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order, including further amendment of subsection (a)(1), transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90008. Early Awards for Schools With Extreme Hardships.

Upon a determination that an eligible charter school or school district has a high ratio of students–to–multimedia computers, or is unable to provide urgently needed Advanced Placement online courses due to technological limitations, and a determination that the school will be eligible for funds under Priority One or Priority Two as outlined in section 90004 of these regulations, the Secretary for Education shall have the authority to request that the State Controller release funds to charter schools or school districts any time after the effective date of the regulations, in order to quickly improve the technology available to students in eligible charter schools or school districts. The computers purchased pursuant to these early awards shall be deducted from future allocations under this program, as determined by the Secretary for Education.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

§ 90009. Authority for Secretary to Extend Application Date.

The Secretary for Education may, upon the showing of good cause, extend the application date specified in section 90002(a) of these regulations.

NOTE: Authority cited: Section 52270, Education Code. Reference: Section 52270, Education Code.

HISTORY

1. New section filed 10–26–2000 as an emergency; operative 10–26–2000 (Register 2000, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–23–2001 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10–26–2000 order transmitted to OAL 2–22–2001 and filed 3–29–2001 (Register 2001, No. 13).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

SUBJECT INDEX

Title 5

Education

THOMSON
WEST

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800–888–3600

Index updated through Register 2007, Number 52; December 28, 2007

© 2008 THOMSON/WEST

BARCLAYS AND BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS ARE TRADEMARKS USED HEREIN UNDER LICENSE.

A

ABANDONMENT
School facilities, inadequate, 5:14035

ACCESS FOR HANDICAPPED PERSONS
Community colleges, equal employment opportunity, 5:53025
School building plans, 5:14030

ACCESS TO INFORMATION
Child care and development programs, 5:18117
–Resource and referral programs, 5:18246
Community colleges
–Attendance reports, 5:58000
–Student records, 5:54610-5:54616
Education department records, 5:50
Library, state board records, 5:20134
Library of California, Board records, 5:20310
Postsecondary schools, private
–Degree granting schools, 5:71930
–Out-of-state regionally accredited degree granting schools, 5:72930
Schools and school districts
–Professional development and program improvement programs, 5:13041
–Pupil records, 5:434, 5:435
–Pupil transportation allowances, 5:15253, 5:15260
–Unauthorized disclosure by teachers, 5:80334
–Williams complaints, 5:4686
Teachers
–Credentialing commission records, 5:80255
–Unauthorized disclosure by, 5:80334
Universities and colleges, state; personal information, 5:42396-5:42396.5

ACCOMMODATIONS
Pupils
See PUPILS

ACCREDITATION
Community colleges, 5:51016
–Emergency exception, 5:51016.5

ADJUTANT GENERAL'S OFFICE
National Guard assumption of school loan program, nominations, 5:30712

ADULT EDUCATION, 5:10501-5:10615
Administration, 5:10560
Alternative education
See Innovation and alternative instructional delivery program, this heading
Attendance, 5:10524
–Audits, 5:19821
–Records, 5:401, 5:406
Complaint procedures, 5:4600-5:4671
–Local procedures
––Appeal of decision, 5:4632-5:4633
––Local agency's responsibilities, 5:4631
––Procedures, 5:4630
––Time lines, 5:4630
–State procedures
––Appeal, 5:4640
––Department investigation procedures, 5:4663
––Department investigation report, 5:4664
–––Reconsideration, 5:4665
––Direct state intervention
–––Basis, 5:4650
––Enforcement, 5:4670
––First filing, 5:4640
––Investigation timeline, 5:4662
––Notice, 5:4640
–––Direct state intervention, 5:4651
––Resolution procedures, 5:4660
––Time lines, 5:4640
–Uniform procedures
––Definitions, 5:4600
––Local educational agency compliance
–––District policies and procedures, 5:4621
–––Notice, 5:4622
–––Responsibilities, 5:4620

ADULT EDUCATION–*continued*
Complaint procedures–*continued*
–Uniform procedures–*continued*
––Purpose, 5:4610
––Referrals, 5:4611
––Scope, 5:4610
Counseling and guidance services, 5:10530
County tuberculosis or poliomyelitis hospitals, 5:10560
Courses, review by regional councils, 5:11611
Definitions, 5:10501
–High school exit examinations, 5:1200
–Job training, performance-based accountability (PBA) system, 5:19600
Enrollment, 5:10524
Funding
–Innovation and alternative instructional delivery program, 5:10600-5:10615
–Revenue limits for school districts
––1978-79 limits, recomputation, 5:15379
–––Statewide average limit, calculation, 5:15380
––1979-80 limits, calculation, 5:15392
High school exit examinations
–Accommodations for disabilities, 5:1215.5
–Definitions, 5:1200
–English learners, 5:1217
–Identification, 5:1203
–Independent work, 5:1219
–Modifications for disabilities, 5:1215.5
–Testing dates, 5:1204.5
–Testing variations, 5:1215
Innovation and alternative instructional delivery program, 5:10600-5:10615
–Evaluation of program, 5:10615
–Expenditures allowable, 5:10600, 5:10605
–Reporting requirements, 5:10610
Job training
–Performance-based accountability (PBA) system, 5:19600-5:19601
Notice, complaint procedures
–State procedures, 5:4640
–Uniform procedures, 5:4622
Performance-based accountability (PBA) system, 5:19600-5:19601
Records and reports, 5:10508
–Attendance records, 5:401, 5:406
–Innovation and alternative instructional delivery program, 5:10610
–Performance based accountability (PBA) system, 5:19601
Regional councils
–Course review criteria, 5:11611
–Selection of members, 5:11610

ADVERTISING
Postsecondary schools, private, 5:18804
–Degree granting schools, application information, 5:71200
–Retention of advertising copy, 5:74140
–Vocational and non-degree granting schools, application information, 5:73190

ADVISORY BOARDS AND COMMITTEES
Compensatory education advisory councils, 5:4423
English language learners, 5:11308
Instructional materials curriculum commission, 5:9516

AFFIRMATIVE ACTION PROGRAMS
Education board, state
–Policy statement, 5:30
–Program development and implementation, 5:31

AGE DISCRIMINATION
Community colleges, prohibition, 5:59300-5:59362

AGE REQUIREMENTS
Schools and school districts
–First grade admittance, 5:200
–Safety patrols, 5:571

AGRICULTURAL LABORERS
Community college students, residence classification, 5:54048

AGRICULTURE
Universities and colleges, state
–Polytechnic state universities, 5:40051

AGRICULTURE–*continued*
Universities and colleges, state–*continued*
–Two-year programs, 5:40050

AGRICULTURE DEPARTMENT, U.S.
Food donations to schools, 5:19540

AIR PILOTS
Community college training courses, 5:55306, 5:55310
FAA certified flight schools, application information to approve school operation, 5:73470

AIRPORTS
Community colleges courses conducted at, 5:55310

ALCOHOL ABUSE
School reporting requirements, 5:700-5:705
Teachers, 5:80336

ALIENS
Community college students
–Attendance reports, 5:58003.3
–Residence classification, 5:54045
Education of children
–English language development test, 5:11510-5:11517.5
–English language education, 5:11300-5:11305
University and college students
See UNIVERSITIES AND COLLEGES, STATE, subheading: Foreign students

ALTERNATIVE SCHOOLS
Accountability model pre-post assessments, 5:1068-5:1074

ALUMNI ASSOCIATIONS
State universities, 5:42397-5:42397.11
–Audits, 5:42397.5
––Constituency groups, 5:42397.9
–Constituency groups, 5:42397.6-5:42397.9
–CSU Alumni Council, 5:42397.11
–Financial activities, 5:42397.4
––Constituency groups, 5:42397.8
–Fundraising, 5:42397.3
––Constituency groups, 5:42397.7
–Organization, 5:42397.2
–Purpose of rules, 5:42397
–Recognition, 5:42397.1
–Systemwide constituency groups, 5:42397.11
–Waiver of provisions, 5:42397.10

AMERICANS WITH DISABILITIES ACT
Community colleges, discrimination prohibition, 5:59300-5:59362

ANIMALS
University and college campuses, on, 5:42353.1

APPEALS
CalWORKs child care and development programs
–Parental appeals and due process
––Stage 2 child care program, 5:18418
––Stage 3 child care program, 5:18433
Charter schools, appeal of denied charter petition, 5:11967
Community colleges
See COMMUNITY COLLEGES
Education audits, 5:19800-5:19805
Governor's scholarships, 5:31007
Libraries
–Regional library networks, membership eligibility policies or actions, 5:20315
Paul Douglas teacher scholarship program, 5:30513
Postsecondary schools, private; approval or authorization denied, 5:18809
Reading First funding, 5:11991.2
Scholarships, Governor's, 5:31007
Special education
–Nonpublic, nonsectarian school and agency services certification, 5:3068
State schools for deaf or blind, and diagnostic centers, termination of supervisor or manager, 5:17648
Student aid; limitation, suspension, or termination of institution's eligibility, 5:30313
Teachers
–Paul Douglas teacher scholarship program, 5:30513
–Retirement system, 5:20520

APPEALS–*continued*
Universities and colleges, state; residence determination, 5:41908

APPRENTICES
Community college classes
–Cooperative work experience programs, 5:55250.5
–Funding allocation and payment of excess costs, 5:55675

APPROPRIATIONS
See also BUDGETS
Community colleges
–Emergency appropriations, 5:58316
County school service fund
–Contingency appropriations, 5:17344

ARCHITECTS
Library construction and renovation grants, 5:20414, 5:20416, 5:20418
University undergraduate degree programs, 5:40505

ARSON
School reporting requirements, 5:700-5:705

ART WORKS
Library acquisition grants, 5:20414

ASSAULT
School reporting requirements, 5:700-5:705

ATHLETICS
Community colleges
–Discrimination prohibition, 5:58107
–Intercollegiate programs, funding, 5:58162
School activities
–Nondiscrimination, 5:4920-5:4922
–Physical education curriculum, 5:10060
School coaches
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Athletic coaches
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

ATTENDANCE
Adult education, 5:10524
See also ADULT EDUCATION
Child care and development program records, 5:18065, 5:18068
Community colleges
–Interstate agreements, 5:58200-5:58210
–Reports, 5:58000
Schools and school districts, 5:300
See also SCHOOLS AND SCHOOL DISTRICTS

ATTORNEYS
Teacher credential denial appeals, 5:80515

AUDITS
Community colleges
See COMMUNITY COLLEGES
Schools
See SCHOOLS AND SCHOOL DISTRICTS
State universities and colleges
–Alumni associations, 5:42397.5
––Constituency groups, 5:42397.9
–Auxiliary organizations, 5:42408

B

BATTERY
School reporting requirements, 5:700-5:705

BEQUESTS
Community colleges, accounting requirements, 5:59016
Universities and colleges, state, 5:42300
–Notice of acceptance and declaration of benefit, 5:42301

BICYCLES
University and college campuses, use on, 5:42353.1

BIDDING, COMPETITIVE
Child care and development programs
–Capital outlays, 5:18040

BIDDING, COMPETITIVE–*continued*
Child care and development programs–*continued*
–Subcontracts, 5:18027
Library construction and renovation grants, 5:20420

BILINGUAL REQUIREMENTS
See also LANGUAGE REQUIREMENTS
Education
See SCHOOLS AND SCHOOL DISTRICTS
Teachers
–Bilingual, crosscultural, language and academic development (BCLAD) certificate, 5:80015-5:80015.4
–Bilingual education, teacher corps program, 5:11600-5:11604
–English language development and/or instruction to limited-English-proficient students, staff development certificates, 5:80016

BLIND PERSONS
Education
See SPECIAL EDUCATION
–State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Library services, 5:20400

BONDS, INVESTMENT
Library construction and renovation, Bond Act of 2000, 5:20430-5:20444
Reading and literacy improvement and public library construction and renovation, 5:20430-5:20444

BONDS, SECURITY
Community college employees, 5:58318
Universities and colleges, state
–Auxiliary organizations, 5:42403
–Minority and women business enterprises goals, 5:43880-5:43884
–Travel or study leaves, 5:43005

BOOKS
Textbooks, 5:9511-5:9530
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Instructional materials

BREAKFAST
School lunch and breakfast programs
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Lunch and breakfast programs

BUDGETS
Community colleges
See COMMUNITY COLLEGES
Libraries
–California Library Service Act, participation, 5:20135
–Construction and renovation grants, 5:20418
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

BURGLARY
School programs to discourage, 5:17370
School reporting requirements, 5:700-5:705

C

CALIFORNIA FRESH START PILOT PROGRAM
Fruits and vegetables, children's consumption of, 5:15566-5:15568

CALIFORNIA LIBRARY SERVICES ACT
See LIBRARIES

CALIFORNIA SCHOOL FOR THE BLIND
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS

CALIFORNIA SCHOOL FOR THE DEAF
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS

CALIFORNIA STATE LOTTERY ACT
Audits, 5:19835

CALIFORNIA STATE UNIVERSITIES AND COLLEGES
See UNIVERSITIES AND COLLEGES, STATE

CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS ACT, 5:18400-5:18434
See also CalWORKs

CalWORKs
Child care and development programs, 5:18400-5:18434
–Stage 2 child care program, 5:18405-5:18419
––Child eligibility, 5:18407
––Contractors, 5:18405
–––Data reporting by, 5:18416
–––Family data file maintained by, 5:18412
–––Notice of action to parents, 5:18419
–––Parental appeals and due process, 5:18418
–––Quality of programs, 5:18417
–––Responsibilities, 5:18410, 5:18415
––Definitions, 5:18400
––Family data file, 5:18412
––Family eligibility, 5:18406
–––Contractor's responsibilities, 5:18410
–––Duration of eligibility, 5:18408
–––Enrollment when not transferring from another CalWORKs agency, 5:18409.5
–––Transfer from another CalWORKs agency, 5:18409
––Providers
–––Eligibility, 5:18411
–––Payments from contractors, 5:18413
–––Payments from parents to cover above authorized rate, 5:18414
–Stage 3 child care program, 5:18420-5:18434
––Child eligibility, 5:18422
––Contractors, 5:18420
–––Data reporting by, 5:18431
–––Family data file maintained by, 5:18427
–––Notice of action to parents, 5:18434
–––Parental appeals and due process, 5:18433
–––Quality of programs, 5:18432
–––Responsibilities, 5:18425, 5:18430
––Definitions, 5:18400
––Family data file, 5:18427
––Family eligibility, 5:18421
–––Contractor's responsibilities, 5:18425
–––Duration of eligibility, 5:18423
–––Transfer from another CalWORKs agency, 5:18424
––Providers
–––Eligibility, 5:18426
–––Payments from contractors, 5:18428
–––Payments from parents to cover above authorized rate, 5:18429

CARDENAS TEXTBOOK ACT
Audits, 5:19834

CERTIFICATES AND CERTIFICATION
Community colleges
–Credit certificates, 5:55070-5:55072
–Noncredit certificates, 5:55155
Special education
–Deaf and hearing impaired, interpreters, 5:3051.16

CHARTER SCHOOLS
Annual financial statements, 5:15070-5:15071
Appeal of denied charter petition, 5:11967
Attendance
–Audits, 5:19850-5:19852
–Average daily attendance, 5:11960
––Nonclassroom-based instruction, 5:11963.2
–Certification of records, 5:11966
–Independent study, audits, 5:19852
–Nonclassroom-based instruction, audits, 5:19851-5:19852
Audits, 5:19850-5:19854
Average daily attendance, 5:11960
Certification of attendance records, 5:11966
Charter petitions
–Appeal of denied petitions, 5:11967
–Review and approval by State Board of Education, 5:11967.5
––Criteria, 5:11967.5.1

CHARTER SCHOOLS–*continued*
Classroom-based instruction
–Annual instruction minutes, audits, 5:19854
–Definitions, 5:11963
–Funding request forms, 5:11963.3-5:11963.4
Class size reduction program participation, 5:15132
Closure procedures, 5:11962-5:11962.1
Definitions, 5:11965
–Classroom-based instruction, 5:11963
–Closure procedures, 5:11962-5:11962.1
–Facilities, 5:11969.2
Facilities, 5:11969.1-5:11969.9
–Availability, 5:11969.5
–Capacity, 5:11969.3
–Charges for costs, 5:11969.7
–Conditions reasonably equivalent to public schools, 5:11969.3
–Definitions, 5:11969.2
–District ownership, 5:11969.4
–Location, 5:11969.6
–Operations and maintenance, 5:11969.4
–Procedures for requests, reimbursements, and provision of facilities, 5:11969.9
–Purpose, 5:11969.1
–Reimbursement rates for over-allocated space, 5:11969.8
–Request procedures, 5:11969.9
–Statewide benefit charter school facilities, evaluation, 5:11967.7
–Timelines for requests, reimbursements, and provision of facilities, 5:11969.9
Independent study programs
–Attendance, audits, 5:19852
–Definitions, 5:11700.1
–High school graduation requirements, 5:11705
–Pupil-teacher ratio, 5:11704
Instruction, classroom- and nonclassroom-based, 5:11963-5:11963.7
–Classroom-based
See Classroom-based instruction, this heading
–Funding request forms, 5:11963.3-5:11963.7
–Nonclassroom-based
See Nonclassroom-based instruction, this heading
Instructional materials, funding for first year or expanding grade levels, 5:9532
Maximum number, 5:11968
Nonclassroom-based instruction, 5:11963.1
–Attendance, audits, 5:19851-5:19853
–Average daily attendance, 5:11963.2
–Funding request forms, 5:11963.4-5:11963.7
Numbering of petitions, 5:11969
Private school, defined, 5:11965
Records and reports
–Annual financial statements, 5:15070-5:15071
Satisfactory progress, defined, 5:11965
Statewide benefit charter schools
–Evaluation of facilities, 5:11967.7
–Funding, 5:11967.8
–Petitions for, submission, 5:11967.6

CHEATING
High school exit examination, 5:1220

CHILD CARE AND DEVELOPMENT PROGRAMS, 5:18000-5:18308
Absences, verification, 5:18066
Accounts and accounting
See also Audits, this heading
–Accrual basis, 5:18063
–Enrollment and attendance, 5:18065
––Absences, verification, 5:18066
–Interest bearing accounts, 5:18064
–Retention of records, 5:18067
Address change, notice, 5:18014
Admissions, 5:18105-5:18107
See also Enrollment, this heading
–Displacement
See Displacement, this heading
–Interviews, 5:18105
–Policies and procedures, 5:18105
–Priorities, 5:18106
––Migrant program, federal, 5:18182
––Migrant program, state, 5:18192
––Preschool program, 5:18131
–––Exceptions, 5:18133

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Admissions–*continued*
–Priorities–*continued*
––Preschool program–*continued*
–––Military personnel, exceptions to calculation of income, 5:18134
––School age community child care services program, 5:18201
–Residency requirements, 5:18107
–Waiting lists
See Waiting lists, this heading
Alternative payment programs, 5:18220-5:18231
–Applicability of regulations, 5:18220
–Attendance records, 5:18065
–Basic data file, 5:18229
–Contingency funds, 5:18009
–Continuity plan, 5:18225
–Copayments, 5:18220.6
–Definitions, 5:18013, 5:18220.2
–Fees for services, 5:18111
––Delinquent payments, 5:18114
––Offset, 5:18228
–Information to be given parents, 5:18222
–Information to be given providers, 5:18224
–In-home services, records, 5:18230
–Policy statement, 5:18221
–Probationary status of facility, notification, 5:18224.2
–Provider participation procedures, 5:18223, 5:18224
–Provider payment plan, 5:18226
–Provider rate, 5:18220.6
–Records and reports, 5:18230, 5:18231
–Revocation of license, notification, 5:18224.2
–School age community child care services program, 5:18200
–Scope of regulations, 5:18220
–Suspension of license, notification, 5:18224.2
Appeals, 5:18121, 5:18122
–Audit review, 5:18072
–Capital outlays, disapproval, 5:18040
–Conditional contract status, 5:18304
–Contract administration disputes, 5:18308
–Contract award, 5:18003
–Contract reduction, suspension, or termination, 5:18300-5:18308
––Applicability of regulations, 5:18300
––Final decision, 5:18303
––Grounds for, 5:18301
––Hearings, 5:18301
––Notice, 5:18301
––Operation during appeal process, 5:18301
––Oral presentation, 5:18303
––Response of contractor, 5:18303
––Scope of regulations, 5:18300
––Time requirements, 5:18303
–Multiple service areas, variance in levels of service, 5:18022
–Subcontract disapproval, 5:18030
Applicability of regulations, 5:18012, 5:18077
–Alternative payment programs, 5:18220
–Contract reduction, suspension, or termination, 5:18300
–Migrant program, state, 5:18190
–Preschool program, 5:18130
–Resource and referral programs, 5:18240
–School age community child care services program, 5:18200
–Severely handicapped program, 5:18210
–Subcontracts, 5:18026
Application for services, 5:18083
–Notice of approval or denial, 5:18094, 5:18118
–Update, 5:18103
––Notice of action, 5:18095
Attendance records, 5:18065, 5:18068
–Absences, verification, 5:18066
Audits, 5:18071-5:18073
–Appeals, 5:18072
–Delinquency, 5:18073
–Failure to submit, 5:18056
–Qualifications of auditors, 5:18071
–Review, 5:18072
–Subcontractors, 5:18032, 5:18071

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Audits–*continued*
–Submission, 5:18071
–Time requirements, 5:18073
Bids
–Capital outlays, 5:18040
–Subcontracts, 5:18027
California work opportunity and responsibility to kids act, 5:18400-5:18434
Campus child care program, applicable regulations, 5:18175
Capital outlays, approval, 5:18040
Certification of eligibility, 5:18082
–Definition, 5:18078
–Exemptions, 5:18020
–Migrant program, federal, 5:18093, 5:18183
–Preschool program, 5:18132
–Recertification, 5:18103
––Notice of action, 5:18095
Change in family circumstances, notice, 5:18102
Change of services, notice, 5:18119
Child development fund
–Establishment, 5:18064
–Order of expenditures, 5:18057
–Transfer of funds to, 5:15050-5:15052
––Budget procedures, 5:15050
––Order of governing board, 5:15051
––Procedures, 5:15052
––Refunds, 5:15052
Child protective services
–Definition, 5:18078
–Documentation, 5:18092
Commingling of age categories, 5:18291
Community involvement program, 5:18277
Complaint procedures, 5:4600-5:4671
See also Appeals, this heading
–Local procedures
––Appeal of decision, 5:4632-5:4633
––Local agency's responsibilities, 5:4631
––Procedures, 5:4630
––Time lines, 5:4630
–Resource and referral programs, 5:18247
–State procedures
––Appeal, 5:4640
––Department investigation procedures, 5:4663
––Department investigation report, 5:4664
–––Reconsideration, 5:4665
––Direct state intervention
–––Basis, 5:4650
–––Notice, 5:4651
––Enforcement, 5:4670
––First filing, 5:4640
––Investigation timeline, 5:4662
––Notice, 5:4640
––Resolution procedures, 5:4660
––Time lines, 5:4640
–Uniform procedures
––Definitions, 5:4600
––Local educational agency compliance
–––District policies and procedures, 5:4621
–––Notice, 5:4622
–––Responsibilities, 5:4620
––Purpose, 5:4610
––Referrals, 5:4611
––Scope, 5:4610
Compliance reviews, 5:18023, 5:18303
Conditional contract status
See Contractors, this heading
Contingency funds, alternative payment programs, 5:18009
Continued funding, 5:18010, 5:18303
Contractors, 5:18002-5:18006
–Address change, notice, 5:18014
–Administrative review, 5:18010
–Appeals
See Appeals, this heading
–Application for continued funding, 5:18010
–Application for contract, 5:18002
–Award of contract, 5:18002
–Checks used by, 5:18018
–Compliance reviews, 5:18023, 5:18303
–Conditional contract status, 5:18304-5:18307
––Addendum, 5:18305

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Contractors–*continued*
–Conditional contract status–*continued*
––Appeal, 5:18304
––Continuation, 5:18304
––Determination, 5:18304
––Duration, 5:18307
––Equipment inventory, 5:18306
––Monthly reports, 5:18306
–Cost reimbursements
See Cost reimbursements, this heading
–Dispute of award, 5:18003
–Eligibility, 5:18005
–Employees
See Employees, this heading
–Environment rating scales, 5:18281
–Loans and advances, 5:18019
–Materials developed by, income from and acknowledgments, 5:18016
–Multiple service areas, 5:18022
–Open meeting requirement, 5:18015
–Parent survey, 5:18280
–Priorities, 5:18006
–Program philosophy, goals and objectives, 5:18271
–Quality evaluation and improvement, 5:18270-5:18281
–Records and reports, 5:18063-5:18073
See also Records and reports, this heading
–Reduction or suspension of contract
––Appeals
See Appeals, this heading
––Submission of records, 5:18302
–Regional market rates of reimbursement, 5:18074-5:18076.3
–Self-evaluation, 5:18279
–Subcontracts
See Subcontracts, this heading
–Termination of contract, 5:18024
––Appeals
See Appeals, this heading
––Cost reimbursements, proration, 5:18055
––Submission of records, 5:18302
Cost reimbursements, 5:18033-5:18057
–Appeal process, during, 5:18122
–Cancellation, 5:18056
–Capital outlays, approval, 5:18040
–Criteria, 5:18037
–Definitions, 5:18013
–Determination of amount, 5:18054-5:18057
–Documentation of claims, 5:18067
–Excluded costs, 5:18035
–Included costs, 5:18034
–Minimum days of operation, 5:18055
–Order of expenditures, 5:18057
–Out-of-state travel, approval, 5:18041
–Recoupment by education department, 5:18038
–Reduction, 5:18056
–Regional market rates, 5:18074-5:18076.3
–Subsidized parent fees, use, 5:18039
–Withholding, 5:18056
Definitions, 5:18078
–Alternative payment programs, 5:18220.2
–Cost reimbursements, 5:18013
–Funding, 5:18000
–Migrant program, federal, 5:18181
–Quality evaluation and improvement, 5:18270.5
–Regional market rate of reimbursement, 5:18074.1
–Resource and referral programs, 5:18240.5
Developmental profiles, 5:18272
Displacement, 5:18106
–Definition, 5:18078
–Migrant program, state, 5:18192
–School age community child care services program, 5:18201
Disposition of equipment, 5:18025
Due process requirements, 5:18118-5:18122
Educational programs, 5:18273
Eligibility
–Appeals, 5:18121, 5:18122
–Certification
See Certification of eligibility, this heading
–Delinquent fee payments, 5:18116

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Eligibility–*continued*
–Migrant program, state, 5:18191
–Parents seeking employment, limitations, 5:18101
–Recertification, 5:18103
––Notice of action, 5:18095
–Severely handicapped program, 5:18211
Employees
–Compensation
––Advances, prohibition, 5:18019
–Development programs, 5:18274
–Preschool program, 5:18135
–School age community child care services program, 5:18203-5:18207
–Site supervisors
––School age community child care services program, 5:18205
––Waiver of qualifications, 5:18295
–Staffing ratios, 5:18290
––Variances, 5:18292
Employment documentation, 5:18086
Enrollment, 5:18100-5:18104
See also Admissions, this heading
–Change in family circumstances, notice, 5:18102
–Family size determination, 5:18100
–Limited term service leave, 5:18104
–Parents seeking employment, 5:18101
–Preschool program, 5:18131-5:18134
–Records, 5:18065, 5:18068
–School age community child care services program, 5:18201, 5:18202
Environment rating scales, 5:18281
Equipment, 5:18025
–Capital outlays, 5:18040
–Conditional contract status, inventory, 5:18306
–Subcontractors, 5:18031
Exceptional needs, documentation, 5:18089
Family data files, 5:18081-5:18096
–Alternative payment programs, 5:18229
–Application for services, 5:18083
See also Application for services, this heading
–Certification of eligibility, 5:18082
See also Certification of eligibility, this heading
–Child protective services
––Definition, 5:18078
––Documentation, 5:18092
–Child's exceptional needs, documentation, 5:18089
–Contents, 5:18081
–Employment documentation, 5:18086
–Homelessness, documentation, 5:18090
–Income
––Calculation of, 5:18096
––Definitions, 5:18078
––Documentation, 5:18084
–Inspection, 5:18117
–Parental incapacity
––Definition, 5:18078
––Documentation, 5:18088
–Public assistance, documentation, 5:18085
–Seeking permanent housing, documentation, 5:18091
–Severely handicapped program, 5:18212
–Training documentation, 5:18087
Family size determination, 5:18100
Federal migrant program
See Migrant program, federal, this heading
Fees for services, 5:18108-5:18117
–Additional payments, 5:18111
–Advance payments, 5:18114
–Alternative payment programs
See Alternative payment programs, this heading
–Assessment
––Determination, 5:18109
––Exceptions, 5:18110
–Credits, 5:18112, 5:18228
–Delinquent payments, 5:18114-5:18116
––Consequences, 5:18116
––Payment plan, 5:18115
–Exceptions, 5:18110
–Explanation to parents, 5:18109
–Notice of delinquency, 5:18114
–Receipt for payment, 5:18113

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Fees for services–*continued*
–Records, 5:18109
––Credits, 5:18112
––Receipt for payment, 5:18113
–Refunds, 5:18111
–Resource and referral programs, 5:18242
–Schedule, 5:18108
–Subsidized fees, use of funds, 5:18039
Funding, 5:18000-5:18010
–Child development fund
See Child development fund, this heading
–Contingency funds, alternative payment programs, 5:18009
–Continued funding, 5:18010, 5:18303
–Cost reimbursements
See Cost reimbursements, this heading
–Definitions, 5:18000
–Eligibility for, 5:18001
–Fees
See Fees for services, this heading
–State child care facilities fund, 5:18005-5:18008
Handicapped children
See Severely handicapped program, this heading
Health regulations, compliance, 5:18020
Health services, 5:18276
Hearings, 5:18120
–Appeal of contract award, 5:18003
–Contract reduction, suspension, or termination, 5:18301
Homelessness, documentation, 5:18090
Income
–Calculation of, 5:18096
–Definitions, 5:18078
–Documentation, 5:18084
In-home services
–Records and reports, 5:18230
Interpreters
–Hearings, for, 5:18120
Latchkey programs
See School age community child care services program, this heading
Licensure
See Certification of eligibility, this heading
Limited term service leave, 5:18104
–Notice of termination, 5:18119
Loans and advances, prohibitions, 5:18019
Materials developed by contractors, income from and acknowledgments, 5:18016
Migrant program, federal, 5:18180-5:18184
–Applicability of regulations, 5:18180
–Certification of eligibility, 5:18093, 5:18183
–Definitions, 5:18181
–Enrollment priorities, 5:18182
–Migrant student record transfer system, 5:18184
–Scope of regulations, 5:18180
Migrant program, state, 5:18190-5:18192
–Applicability of regulations, 5:18190
–Displacement, 5:18192
–Eligibility criteria, 5:18191
–Enrollment priorities, 5:18192
–Scope of regulations, 5:18190
–Waiting list, 5:18192
Multiple service areas, 5:18022
Notice
–Alternative payment program
––Probationary status of facility, 5:18224.4
––Suspension or revocation of license, 5:18224.2, 5:18248
–Appeal of contract award, 5:18003
–Application for services
––Approval or denial, 5:18094, 5:18118
––Update, notice of action, 5:18095
–Change in family circumstances, 5:18102
–Change of services, 5:18119
–Complaint procedures
––State procedures, 5:4640
––Uniform procedures, 5:4622
–Contractor address change, 5:18014
–Contract reduction, suspension, or termination, 5:18024, 5:18301
–Data report requirements, 5:18070
–Delinquent fees for services, 5:18114

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Notice–*continued*
–Discontinuing referrals, 5:18248
–Hearings, 5:18120
–Limited term service, termination, 5:18119
–Privacy notice and consent form for data collection, 5:18070
–Recertification, notice of action, 5:18095
Nutrition programs, 5:18278
Out-of-state travel, approval of expenses, 5:18041
Parental incapacity
–Definition, 5:18078
–Documentation, 5:18088
Parent fees
See Fees for services, this heading
Parent involvement and education, 5:18275
Parents seeking employment, eligibility and service limitations, 5:18101
Parent survey, 5:18280
Philosophy, goals and objectives of program, 5:18271
Preschool program, 5:4425, 5:18130-5:18136
–Applicability of regulations, 5:18130
–Certification of eligibility, 5:18132
–Days of operation, 5:18136
–Enrollment, 5:18131-5:18134
––Exceptions, 5:18133
––Military personnel, exceptions to calculation of income, 5:18134
––Priorities, 5:18131
––Waiting lists, 5:18132
–Hours of operation, 5:18136
–Low-income families, funding programs, 5:4425
–Scope of regulations, 5:18130
–Staffing ratios, 5:18135
–Teacher aides, 5:18135
–Volunteers, 5:18135
–Waiting lists, 5:18132
Privacy notice and consent form for data collection, 5:18070
Prohibitions
–Additional parent fees, 5:18111
–Loans and advances, 5:18019
–Pre-signed, preauthorized, or pre-stamped checks, 5:18018
–Religious instruction or worship, 5:18017
Records and reports, 5:18063-5:18073
–Alternative payment programs, 5:18230, 5:18231
–Conditional contract status, 5:18306
–Confidentiality, 5:18117
––Resource and referral programs, 5:18246
–Contract termination, contractor's responsibilities, 5:18302
–Cost data, 5:18070
–Developmental profiles, 5:18272
–Enrollment and attendance, 5:18065, 5:18068
––Absences, verification, 5:18066
–Failure to submit, 5:18056, 5:18068, 5:18070
–Family data files
See Family data files, this heading
–Fees for services, 5:18109
––Credits, 5:18112
––Receipt for payment, 5:18113
–In-home services, 5:18230
–Legislative data reports, 5:18070
–Migrant student record transfer system, 5:18184
–Privacy notice and consent form for data collection, 5:18070
–Program data, 5:18070
–Resource and referral programs
––Confidentiality, 5:18246
––Service data reports, 5:18069
–Retention of records, 5:18067
–Revenue sources and expenditures, 5:18068
–Service providers, 5:18231
–Subcontractors, 5:18031
Referral programs
See Resource and referral programs, this heading
Regional market rate of reimbursement, 5:18074-5:18076.3
–Absences, reimbursement, 5:18076.2
–Applicability, 5:18074
–Categories, 5:18075

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
Regional market rate of reimbursement–*continued*
–Ceilings, 5:18074.2
–Evening or weekend adjustments for licensed providers, 5:18075.1
–Exceptional need children, rate adjustment, 5:18075.2
–Hours of care, 5:18076.2
–Limitations, 5:18076
–Multiple providers, 5:18076.3
–Provider payment, 5:18076.1
Reimbursement of costs
See Cost reimbursements, this heading
Religious instruction or worship, prohibition, 5:18017
Reports
See Records and reports, this heading
Residency requirements, 5:18107
Resource and referral programs, 5:18240-5:18248
–Applicability of regulations, 5:18240
–Availability, 5:18243
–Complaint procedures, 5:18247
–Confidential information, 5:18246
–Definitions, 5:18240.5
–Fees, 5:18242
–Maximizing parental choice, 5:18245
–Policies, 5:18244
–Probationary status of facility, 5:18224.4, 5:18248
–Removal from referral list, 5:18248
–Revocation of license, notification, 5:18224.2, 5:18248
–Scope of regulations, 5:18240
–Service area, 5:18241
–Service data reports, 5:18069
–Suspension of license, notification, 5:18224.2, 5:18248
Retention of equipment, 5:18025
Safety regulations, compliance, 5:18020
School age community child care services program, 5:18200-5:18207
–Age limit, 5:18202
–Applicability of regulations, 5:18200
–Director, qualifications, 5:18203
–Displacement, 5:18201
–Educational programs, 5:18273
–Enrollment
––Age limit, 5:18202
––Priorities, 5:18201
–Fees for services, 5:18111
–Scope of regulations, 5:18200
–Site supervisor, qualifications, 5:18205
–Staff qualifications, 5:18203-5:18207
–Teacher aides, qualifications, 5:18207
–Teachers, qualifications, 5:18206
–Waiting list, 5:18201
Scope of regulations, 5:18012, 5:18077
–Alternative payment programs, 5:18220
–Contract reduction, suspension, or termination, 5:18300
–Migrant program, state, 5:18190
–Preschool program, 5:18130
–Resource and referral programs, 5:18240
–School age community child care services program, 5:18200
–Severely handicapped program, 5:18210
–Subcontracts, 5:18026
Seeking permanent housing, documentation, 5:18091
Severely handicapped program, 5:18210-5:18213
–Applicability of regulations, 5:18210
–Basic data file, 5:18212
–Eligibility, 5:18211
–Hours of operation, 5:18213
–Scope of regulations, 5:18210
Site supervisors
–School age community child care services program, 5:18205
–Waiver of qualifications, 5:18295
Social services, 5:18276
Staff
See Employees, this heading
State child care facilities fund, 5:18005-5:18008
–Award of funds, 5:18008

CHILD CARE AND DEVELOPMENT PROGRAMS–*continued*
State child care facilities fund–*continued*
–Eligibility for funding, 5:18005, 5:18008
–Priorities, 5:18006, 5:18007
State migrant program
See Migrant program, state, this heading
State preschool program
See Preschool program, this heading
Subcontracts, 5:18026-5:18032
–Applicability of regulations, 5:18026
–Approval, 5:18028-5:18030
––Documents required, 5:18029
––Time requirements, 5:18030
–Audit, 5:18032, 5:18071
–Bids, 5:18027
–Contents, 5:18031
–Loans and advances, 5:18019
–Modification, 5:18031
–Records, 5:18031
–Scope of regulations, 5:18026
Title to equipment, 5:18025
–Subcontractors, 5:18031
Training documentation, 5:18087
Travel expenses, approval, 5:18041
Use of equipment, 5:18025
Volunteers, preschool program, 5:18135
Waiting lists, 5:18106
–Migrant program, state, 5:18192
–Preschool program, 5:18132
–School age community child care services program, 5:18201

CHILD NUTRITION ACT OF 1966
School lunch and breakfast programs
See SCHOOLS AND SCHOOL DISTRICTS

CHILDREN
Blind, special schools for
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
California Fresh Start pilot program for fruits and vegetables, 5:15566-5:15568
Care
See CHILD CARE AND DEVELOPMENT PROGRAMS
Deaf, special schools for
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Work opportunity and responsibility to kids act, 5:18400-5:18434

CIVIL DEFENSE
School district preparedness plans, 5:560

CIVIL RIGHTS ACT OF 1964
Community colleges, discrimination prohibition, 5:59300-5:59362
Schools, compliance with
–Equal education opportunity, applicability to, 5:4902
–New careers in education programs, 5:13016
–Professional development and program improvement programs, 5:13043
–Vocational education, contracted services, 5:11538

CLUBS
State university and college housing clubs and organizations, collection of fees, 5:42023

COACHES
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Athletic coaches

COLLECTIVE BARGAINING
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Employee organizations

COLLEGES AND UNIVERSITIES
See UNIVERSITIES AND COLLEGES
Community colleges
See COMMUNITY COLLEGES
Nursing faculty, assumption of school loans, 5:30910-5:30917
Private
See POSTSECONDARY SCHOOLS, PRIVATE
State
See UNIVERSITIES AND COLLEGES, STATE

COMMUNITY COLLEGES, 5:50001-5:59508
Academic calendar
See Calendar, this heading
Academic counseling programs, 5:51018
-Matriculation services, 5:55523
Academic probation
See Probation of students, this heading
Academic record symbols and grade point average, 5:55023
Academic senates, 5:51023, 5:53200-5:53207
-Definitions, 5:53200
-Establishment, 5:53201
-Membership, 5:53202
-Powers and duties, 5:53202, 5:53203
-Reimbursement for release or reassigned time, 5:53207
-Scope of regulations, 5:53204
-State academic senate, 5:53206
-Voting, 5:53202
Accounts and accounting
-Audits
See Audits, this heading
-Board of governors grants, 5:58630
-Disabled student programs and services, 5:56074
-Extended opportunity programs and services, 5:56290
-Food service, 5:59013
-Gifts, bequests, endowments, 5:59016
-Health service funds, 5:54700
-Manual, 5:59010
-Method of accounting, 5:59010
-Vocational education contracts, 5:55605
Accreditation, 5:51016
-Emergency exception, 5:51016.5
Administration, funding, 5:58750, 5:58752
Administrators
-Definition, 5:53402
--Experience, 5:53404
-Educational administrators, qualifications, 5:53420
-Qualifications, 5:53400-5:53430
--Accredited degrees and units, 5:53406
--Definitions, 5:53402
--Disciplines lists, 5:53407
--Educational administrators, 5:53420
--Equivalencies, 5:53430
--Experience defined, 5:53404
--Retroactivity of regulations, 5:53403
--Scope of regulations, 5:53400
Advanced placement examinations, 5:55052
Advisory committees
-Disabled student programs and services, 5:56050
-Equal employment opportunity, 5:53005
-Extended opportunity programs and services, 5:56208
-Instructional improvement fund, 5:56658
-Real estate education endowment fund, 5:56602
--Travel expenses, 5:56603
-Vocational education, 5:55601
Age discrimination, prohibition, 5:59300-5:59362
Aircraft pilot training outside of state, 5:55306
Airports, courses conducted at, 5:55310
Alien students
-Attendance reports, 5:58003.3
-Residence classification, 5:54045
Alumni organizations
See Auxiliary organizations, this heading
Americans with Disabilities Act, implementation, 5:59300-5:59362
Appeals
-Construction decisions, 5:57010
-Discrimination complaint
--Judicial review, 5:59362
-Matriculation programs, 5:55534
-Residence classification, 5:54060
Applications
-Electronic submissions, 5:54300
Apprenticeship classes, funding
-Allocation and payment of excess costs, 5:55675
-Firefighter joint apprenticeship program, immediate supervision requirement, 5:58055
Associate degree programs
-Curriculum, 5:55002
-District policies, 5:55060
-General education philosophy and criteria, 5:55061

COMMUNITY COLLEGES–*continued*
Associate degree programs–*continued*
-Minimum requirements, 5:55063
-Noncredit courses applicable, 5:55064
-Types of courses, 5:55062
Athletic programs
-Discrimination prohibition, 5:58107
-Intercollegiate, funding, 5:58162
Attendance, interstate, 5:58200-5:58210
-Certification, 5:58206
-One-for-one exchange basis, 5:58202
-Participation, 5:58200, 5:58204
-Report, annual, 5:58210
-Resolution, 5:58204
Attendance reports, 5:58000-5:58060
-Access to, 5:58000
-Accountability, 5:59116
-Accounting standards, 5:58050-5:58060
--Computation method, 5:58051
--Conditions for claiming attendance, 5:58050
--Employee of district, definition, 5:58058
--Employment qualifications, 5:58060
--Immediate supervision and control requirement, 5:58055, 5:58056
--Prohibited classes, 5:58051.5
--Purpose, 5:58052
-Accuracy, 5:58031, 5:59116
-Actual apprentice hours of teaching procedure, computation, 5:58024
-Actual clock hours of teaching procedure, applicability, 5:58008
-Actual student contact hours
--Applicability, 5:58006
--Computation, 5:58022
-Adult education for inmates, 5:58051.6
-Alien students, 5:58003.3
-Average daily attendance, computation, 5:58052
-Census procedures
--Applicability, 5:58004
--Computations, 5:58020
-Change in academic year, approval, 5:58002
-Class hour units, 5:58023
-Closure for emergencies, 5:58146
-Computation, 5:58051
-Cooperative work experience programs, 5:58051
-Credit courses, 5:58003.2
-Decimals, rounding off, 5:58012
-Decrease in attendance, 5:58003.4
-Destruction, 5:59031
-Distance education, 5:58051
-Field trips, 5:58166
-Flexible calendar operations, 5:55728
-Full-time equivalent student units
--Adjustments, 5:55729
--Adult education for inmates, 5:58051.6
--Computation, 5:55729, 5:58003.1-5:58012, 5:58051, 5:58782
-Increase in attendance, 5:58003.4
-Independent study, 5:58009, 5:58051
-In-service training programs, 5:58051
-Intercollegiate athletics, 5:58162
-Interstate agreements, 5:58210
-Learning assistance, 5:58172
-Lost or destroyed records
--Accuracy, 5:58031
--Calamity, 5:59033
-Noncredit courses, 5:58007
-Nonresidents, 5:58025
-Open entry/open exit courses, 5:58164
-Prohibited classes, 5:58051.5
-Purpose of regulations, 5:58000
-Repetition of courses, 5:58161
-Reporting dates, 5:58010
-Reporting periods, 5:58003.4
-Support documentation, 5:58030
-Tutoring, 5:58168, 5:58170
-Withdrawal, reenrollment after, 5:58161.5
-Work experience programs, 5:58009, 5:58009.5
Audits, 5:59100-5:59118
-Apportionment adjustments, 5:59114-5:59118
--Limitations, 5:59118
-Attendance reports, accountability and accuracy, 5:59116
-Auxiliary organizations, 5:59265, 5:59270

COMMUNITY COLLEGES–*continued*
Audits–*continued*
-Chancellor, powers and duties, 5:58310-5:58316, 5:59100-5:59118
-Citings
--Apportionment adjustments, 5:59114-5:59114
--Chancellor review, 5:59108
--Corrective actions, 5:59112
--District's response, 5:59110
-Contracting for, 5:59102
-Disabled student programs and services, 5:56072
-Energy conservation projects, 5:57062
-Financial condition reports, 5:58310
--Plans for achieving financial stability, 5:58312
---Emergency appropriations, 5:58316
---Failure, response to, 5:58314
--Response to, 5:58310-5:58318
-Investigations, 5:59100-5:59118
-Loans, 5:59015
-Matriculation programs, 5:55512
-Reports, due date, 5:59106
-Review by governing board, 5:59104
-Scholarships, 5:59015
Auxiliary organizations, 5:59250-5:59272
-Applicability of regulations, 5:59250
-Articles of incorporation or constitution, approval of changes, 5:59265
-Audit, 5:59265, 5:59270
-Compliance review, 5:59265
-Definitions, 5:59251
-Establishment, 5:59255
-Financial reports, 5:59270
-Functions, 5:59259
-Good standing, list of, 5:59263, 5:59265
-Implementing regulations, 5:59255, 5:59257
--Changes, approval, 5:59265
--Review and approval, 5:59272
-Records and reports
--Financial reports, 5:59270
--Operating reports, 5:59265
-Scope of regulations, 5:59250
Bequests to, accounts and accounting, 5:59016
Bilingual education teacher corps program, 5:11600-5:11604
Board of governors
-Conflict of interest disclosures, 5:50500
-President, selection, 5:50001
-Student senate as representative, 5:50002
-Vice president, selection, 5:50001
Board of governors grants, 5:58600-5:58630
-Accounts and accounting, 5:58630
-Adjustment of allocations, 5:58611
-Allocations, 5:58610
--Adjustment, 5:58611
-Amount, 5:58613
-Awards, 5:58612, 5:58613
-Definitions, 5:58601
-Eligibility, 5:58612, 5:58620
-Records and reports, 5:58630
-Scope of regulations, 5:58600
Bonds, indemnity, 5:58318
Bookstores, auxiliary organizations operating
See Auxiliary organizations, this heading
Budgets
-Annual report, 5:58300
--Contents, 5:58303
--Form, 5:58304
-Definition, 5:58302
-Disabled student programs and services
--Identifier codes, 5:56074
--Reports, 5:56072
-Excess funds, appropriation and limitations, 5:58308
-Final budgets, 5:58305
-Financial condition reports, 5:58310-5:58316
-Fiscal management principles, 5:58311
-Hearings on proposed budgets, 5:58301
-Limitation on expenditure, 5:58307
-Manual, 5:59010
-Notice of proposed budgets, 5:58301
-Penalty for noncompliance, 5:58306
-Program based funding, 5:58700-5:58785
See also Program based funding, this heading
-Proposed budgets, 5:58301

COMMUNITY COLLEGES–*continued*
Budgets–*continued*
–Publication of proposed budgets, 5:58301
–Tentative budgets, 5:58305
–Vocational education contracts, 5:55605
Buildings and grounds, 5:57001-5:57205
–Aircraft pilot training outside of state, 5:55306
–Airport, 5:55310
–Capacity and utilization standards, 5:57020-5:57032
–Classrooms
––Future assignable space, 5:57027
––Occupancy standards, 5:57023
––Space per student station, 5:57025
––Utilization standards, 5:57021
–Construction, 5:57001-5:57033.1
––Appeals, 5:57010
––Approval by chancellor, 5:57014-5:47016
––Capacity and utilization standards, 5:57020-5:57032
–––Abbreviations, 5:57031
–––Classrooms, 5:57021, 5:57023, 5:57025, 5:57027
–––Formula, 5:57032
–––Laboratories, 5:57022, 5:57024, 5:57028
–––Library, 5:57030
–––Offices, 5:57029
––Classrooms
–––Future assignable space, 5:57027
–––Occupancy standards, 5:57023
–––Space per student station, 5:57025
–––Utilization standards, 5:57021
––Coordination with recreation and park authorities, 5:57013
––Definitions, 5:57001, 5:57001.5, 5:57001.7
–––District funding, 5:57152
––District funding, 5:57150-5:57158
–––Application for, 5:57154
–––Approval of plans, 5:57158
–––Definitions, 5:57152
–––Purpose of regulations, 5:57150
–––Review and evaluation of plans, 5:57156
––Educational center defined, 5:57001.7
––Evaluation of project, 5:57015
––Expenditure report, 5:57011
––Final action time limit, 5:57016
––Funds
–––District matching share, 5:57033.1
–––Federal funds, proration, 5:57002
––Laboratories
–––Future assignable space, 5:57028
–––Occupancy standards, 5:57024
–––Utilization standards, 5:57022
––Library space, 5:57030
––Office space, 5:57029
––Project defined, 5:57001.5
––Recreation and park authorities, coordination with, 5:57013
––Review of project, 5:57015
––Utilization standards, 5:57021
–Deferred maintenance, 5:57200-5:57205
––Five-year plan, 5:57201
––Funding, 5:57202-5:57205
–––Allocations, 5:57203
–––Application for, 5:57202
–––Approval, 5:57204
–––District's contribution, 5:57205
––Level of maintenance, sustaining, 5:57201
––Purpose of regulations, 5:57200
–Definitions, 5:57001
––District funding, 5:57152
––Energy conservation projects, 5:57051
–Disabled employee accommodations, 5:53025
–District funding
––Construction, 5:57150-5:57158
––Deferred maintenance, 5:57205
–Energy conservation projects, 5:57050-5:57063
––Applicability of regulations, 5:57050
––Approval, 5:57055
––Audits, 5:57062
––Contracts, 5:57063
––Definitions, 5:57051
––Evaluation, 5:57054, 5:57055
––Funding, 5:57061

COMMUNITY COLLEGES–*continued*
Buildings and grounds–*continued*
–Energy conservation projects–*continued*
––Identification, 5:57053
––Legislative findings, 5:57060
––Planning guide, 5:57053
––Preliminary plans, 5:57055
––Retrofitting, 5:57061
––Statement of need, 5:57052
–Environmental quality
––Applicability of regulations, 5:57100
––Chancellor, powers and duties, 5:57121
––Documentation, 5:57121
––Purpose of regulations, 5:57100
–Federal facilities, 5:55308
–Funding
––Deferred maintenance, 5:57202-5:57205
––Energy conservation projects, 5:57061
––Maintenance and operations, 5:58740, 5:58742
–Handicapped classes, 5:55311
–Hospital programs
––Convalescents, courses for, 5:55305
––Nursing programs, 5:55304
–Laboratories
––Future assignable space, 5:57028
––Occupancy standards, 5:57024
––Utilization standards, 5:57022
–Library space, 5:57030
–Maintenance
––Funding, 5:58740, 5:58742
–Military bases, 5:55303
–Office space, 5:57029
–Outside of district, 5:55300-5:55311
––Conditions for building, 5:55300
––Courses, 5:55301
––Federal facilities, use, 5:55308
––Maintenance, 5:55309
––Military bases, 5:55303
––Nursing programs in hospitals, 5:55304
––Use, 5:55302
–Plans, comprehensive, 5:51008
–Prisons, 5:55310
––Attendance reports for inmate students, 5:58051.6
–Public school facilities, handicapped classes, 5:55311
–Required courses, location, 5:55307
Business services, funding, 5:58750, 5:58752
Calendar, 5:55700-5:55732
–Change, approval, 5:55702, 5:58002
–Definitions, 5:55701
–Flexible, 5:55700.1, 5:55720-5:55732
––Approval, 5:55724
–––Termination, 5:55732
––Attendance reporting, 5:55728
––Chancellor's duties, 5:55732
––Course scheduling configurations, 5:55722
––Curriculum, 5:55720
––District's duties, 5:55730
––Employee activity agreements, 5:55720, 5:55726
––Evaluation, 5:55730
––Full-time equivalent student units, computation and adjustment, 5:55729
––Funding allocations, 5:55732
––Records and reports, 5:55730
–––Attendance reports, 5:55728
–––Chancellor's report, 5:55732
––Termination of approval, 5:55732
–175-day minimum
––Changes, approval, 5:55702
––Funding requirement, 5:58120
––Scope of regulations, 5:55700
–Quarter system, 5:55700.1
–Trimester system, 5:55700.1
Career counseling programs, 5:51018
–Disabled student programs and services, 5:56026
–Extended opportunity programs and services, 5:56240
Certificates
See Degrees and certificates, this heading
Chancellor
–Audit investigations by, 5:59100-5:59118
–Conflict of interest disclosures, 5:50500
–Construction project review, 5:57014-5:57016

COMMUNITY COLLEGES–*continued*
Chancellor–*continued*
–Curriculum, approval, 5:51021, 5:55100-5:55183
–Disabled student programs and services, evaluation, 5:56052
–Discrimination complaint, powers and duties, 5:59329, 5:59333, 5:59339-5:59360
–Environmental quality, powers and duties, 5:57121
–Financial condition reports, powers and duties, 5:58310-5:58316
–Flexible calendar operations, powers and duties, 5:55732
–Instructor salary expenditures, hardship exemption; recommendation, 5:59210
–Review of colleges, 5:51100, 5:51102
Civil Rights Act, implementation, 5:59300-5:59362
Classrooms
See Buildings and grounds, this heading
Closure for emergencies, funds, 5:58146
Colleges, approval of, 5:55180-5:55184
–Alternative delivery systems, 5:55184
–Applications, 5:55182
–Assessment of needs and preferences, 5:55182
–Definitions, 5:55180
–Objectives, 5:55183
–Review procedures, 5:55181
Community services classes, 5:55002
–Approval, 5:55160
Complaints
–Discrimination, 5:59324-5:59362
See also Discrimination prohibition, this heading
–Equal employment opportunity programs, 5:53026
–Matriculation programs, 5:55534
Compliance reviews, 5:51100, 5:51102
Comprehensive plans, 5:51008
Conflict of interest code, 5:50500
Construction
See Buildings and grounds, this heading
Contract classes, approval, 5:55170
Contracts
–Auditing arrangements, 5:59102
–Disabled veteran-owned businesses, 5:59500-5:59508
–Energy conservation projects, 5:57063
–Flexible calendar operations, employee activity agreements, 5:55726
–Minority-owned businesses, 5:59500-5:59508
–Vocational education
See Vocational education, this heading
–Women-owned businesses, 5:59500-5:59508
Cooperative work experience programs, 5:55250-5:55257
–Apprenticeable occupations, 5:55250.5
–Approval of plan, 5:55250
–Attendance reports, 5:58009, 5:58009.5, 5:58051
–Contents of plan, 5:55251
–Credits earned, 5:55253, 5:55256.5
–Definition, 5:55250.3
–Developmentally disabled students, funds, 5:55250.4
–District services, 5:55255
–Employment laws and rules applicable, 5:55250.2
–General work experience, 5:55252
–Instructors or coordinators, qualifications, 5:53416
–Job learning stations, 5:55257
–Occupational work experience, 5:55252
–Outside of district, 5:55250.6
––Part-time positions, 5:55250.7
–Part-time jobs outside of district, 5:55250.7
–Plan
––Approval, 5:55250
––Contents, 5:55251
–Records and reports, 5:55256
–Student qualifications, 5:55254
–Supervision of students, 5:55255
–Types of experience, 5:55252
Corequisites, 5:55003
Counseling programs, 5:51018
–Disabled student programs and services, 5:53414, 5:56026
––Qualifications of counselor, 5:56048
–Extended opportunity programs and services, 5:56236

COMMUNITY COLLEGES–*continued*
Counseling programs–*continued*
–Extended opportunity programs and services–*continued*
––Qualifications of counselor, 5:56264
–Matriculation services, 5:55523
–Qualifications of counselors, 5:53410
––Disabled student programs and services, 5:53414, 5:56048
––Extended opportunity programs and services, 5:56264
Course of study
See Curriculum, this heading
Credentials
–Continuation of qualifications, 5:53403
–Counselor
––Disabled student programs and services, 5:56048
––Extended opportunity programs and services, 5:56264
–Revocation for criminal conviction, 5:53403
–Supervisor, extended opportunity programs and services director, 5:56262
Credit card solicitations, 5:54400
Credits, 5:55050-5:55052
–Advanced placement examinations, 5:55052
–Articulation of high school courses, 5:55051
–Certificates, 5:55070-5:55072
–Cooperative work experience programs, 5:55253, 5:55256.5
–Examinations, 5:55050
Curriculum, 5:51021, 5:55000-5:56684
–Approval, 5:51021, 5:55100-5:55183
––Handbook on approval criteria, 5:55000.5
–Articulated high school courses, 5:55051
–Associate degree credit courses, 5:55002
–Athletic programs, discrimination prohibition, 5:58107
–Community services classes, 5:55002
––Approval, 5:55160
–Contract classes, approval, 5:55170
–Cooperative work experience
See Cooperative work experience programs, this heading
–Corequisites, 5:55200-5:55202
–Courses established outside of district, 5:55301
–Credit hour, 5:55002.5
–Credit programs, approval, 5:55130
–Criteria, 5:55002
–Definitions, 5:55000
–Deleted courses, reinstatement, 5:55182
–Description of courses, 5:58102, 5:58104
–Disabled student programs and services
See Disabled student programs and services, this heading
–Discontinuance of courses, 5:51022
–Distance education, 5:55202, 5:55206
–Establishment, 5:51021, 5:51022
–Excursions, 5:55220
–Extended opportunity programs and services
See Extended opportunity programs and services, this heading
–Field trips, 5:55220
–Flexible calendar operations, scheduling configurations, 5:55722
–Handbook, 5:55000.5
–Identification of courses, 5:58102, 5:58104
–Independent study
See Independent study programs, this heading
–Location of courses
See Buildings and grounds, this heading
–Master plans, 5:51008
–Matriculation programs
See Matriculation programs, this heading
–Modification, 5:51022
–Monitoring, 5:55000.5
–Multiple, overlapping enrollments, 5:55007
–Noncredit courses, 5:55002
––Approval, 5:55150, 5:55153
––Career development and college preparation courses, 5:55151
–Nondegree credit courses, 5:55002
–Nursing programs in hospitals, 5:55304
–Objectives, 5:51020
–Open courses, 5:51006

COMMUNITY COLLEGES–*continued*
Curriculum–*continued*
–Physical education classes, noncredit; funding restrictions, 5:58130
–Policies, 5:51022
–Prerequisites, corequisites, and advisories on course preparation, 5:55003
–Publication of courses, 5:58102, 5:58104
–Publication of standards, 5:55005
–Recommended preparation, 5:55200-5:55202
–Records and reports, 5:55006
–Reinstatement of deleted courses, 5:55182
–Scheduling configurations, flexible calendar operations, 5:55722
–Standards, 5:55002
––Publication, 5:55005
–Telecourses
See Independent study programs, this heading
–Vocational education
See Vocational education, this heading
Definitions
–Academic senates, 5:53200
–Academic year, 5:55701
–Acquired brain impairment, 5:56038
–Administrator, 5:53402
–Auxiliary organizations, 5:59251
–Board of governors grants, 5:58601
–Budget, 5:58302
–Buildings and grounds, 5:57001, 5:57001.5, 5:57001.7
––District funding, 5:57152
––Energy conservation projects, 5:57051
–Colleges, approval of, 5:55180
–College year, 5:55701
–Communication disability, 5:56034
–Curriculum, 5:55000
–Developmentally delayed learner, 5:56040
–Disabled student, 5:56002
–Disabled student programs and services, 5:56002-5:56005, 5:56032-5:56042
–Discrimination prohibition, 5:59310, 5:59311
–Dismissal of students, 5:55030
–Educational centers, approval of, 5:55180
–Educational limitation, 5:56004
–Energy conservation projects, 5:57051
–Enrollment fee, 5:58500
–Equal employment opportunity programs, 5:53001
–Extended opportunity programs and services
––Full-time student, 5:56202
––Student served, 5:56202
–Faculty, 5:53402
–Faculty intern, 5:53500
–Instructional improvement fund, 5:56654
–Instructional materials, 5:59402
–Instructor salary expenditures, hardship exemption, 5:59204
–Learning disability, 5:56036
–Matriculation programs, 5:55502
–Minority, women, and disabled veteran business enterprise contracts, 5:59502
–Physical disability, 5:56032
–Prerequisites, corequisites, and advisories on course preparation, 5:55200
–Probation of students, 5:55030
–Records, 5:59020
–Support services, 5:56005
–Vocational education contracts, 5:55600
–Work experience education, 5:55250.3
Degrees and certificates, 5:51004
–Credit certificates, 5:55070-5:55072
–Policy, 5:55800
–Withholding for nonpayment of financial obligations, 5:59410
Developmentally disabled persons, work experience programs, funding, 5:55250.4
Disabled employees, equal employment opportunity, 5:53025
Disabled student programs and services, 5:56000-5:56076
–Accommodations, academic, 5:56027
–Accounts and accounting, 5:56074
–Acquired brain impairment, definition of, 5:56038
–Advisory committee, 5:56050
–Applicability of regulations, 5:56000

COMMUNITY COLLEGES–*continued*
Disabled student programs and services–*continued*
–Audits, 5:56072
–Availability, 5:56020
–Budget reports, 5:56072
–Communication disability, definition of, 5:56034
–Coordinator, qualifications, 5:56048
–Definitions, 5:56002-5:56005
––Disabilities, 5:56032-5:56042
–Developmentally delayed learner, definition of, 5:56040
–Disabled student, definition of, 5:56002
–Educational limitation, definition of, 5:56004
–Eligibility determination, 5:56006
–Enrollment reports, 5:56072
–Evaluation, 5:56052
–Funding, 5:56000, 5:56060-5:56076
––Accounting for funds, 5:56074
––Adjustments, 5:56072
––Administrative costs, indirect, 5:56068
––Allocations, 5:56072
––Audits, 5:56072
––Basis, 5:56062
––Budget identifier codes, 5:56074
––Budget reports, 5:56072
––Comparable services, 5:56066
––Cooperative work experience programs, 5:55250.4
––Direct excess costs, 5:56064
––Reports, 5:56030, 5:56072
––Revenues, 5:56070, 5:56076
–Instructors, qualifications, 5:53414, 5:56048
–Learning disability, definition of, 5:56036
–Location, 5:55311
–Matriculation programs, 5:55522
–Other disabilities, eligibility, 5:56042
–Parking facilities, 5:54100
–Physical disability, definition of, 5:56032
–Plan, 5:56046
–Psychological disability, definition, 5:56042
–Records and reports, 5:56030
––Budget reports, 5:56072
––Enrollment reports, 5:56072
––Student rights, 5:56008
–Repetition of special courses, 5:56029
–Scope of regulations, 5:56000
–Special classes, 5:56028
–Special projects, 5:56054
–Staff, 5:56048
––Qualifications, 5:53414
–Student educational contract and plan, 5:56022
–Student rights and responsibilities, 5:56008, 5:56010
–Support services, 5:56026
––Definition, 5:56005
––Eligibility, 5:56006
–Suspension of services, 5:56010
–Termination of services, 5:56010
–Vocational education, 5:55602.5
Disabled visitor parking, 5:59306
Discrimination prohibition, 5:59300-5:59362
–Academic requirements, applicability to, 5:59302
–Athletic programs, 5:58107
–Chancellor, appeal and petition for review, 5:59339
–Civil Rights Office, right to file complaint with, 5:59333
–Complaint, 5:59324-5:59362
––Administrative determination, 5:59336
–––Appeals, 5:59338
––Appeal, 5:59338, 5:59339
––Chancellor, powers and duties, 5:59329, 5:59339-5:59360
––Civil Rights Office, right to file with, 5:59333
––Defective, 5:59332
––District officer responsible, 5:59324
––District's investigation, 5:59334
––Filing, 5:59329
––Hearing, 5:59358
––Informal resolution efforts, 5:59327
––Investigation, 5:59328
–––Chancellor, by, 5:59352
–––District, by, 5:59334
––Judicial review, 5:59362

COMMUNITY COLLEGES–*continued*
Discrimination prohibition–*continued*
–Complaint–*continued*
––Notice
–––Chancellor, to, 5:59330
–––Defective complaint, 5:59332
––Reasonable cause, determination, 5:59350
––Report to chancellor, 5:59340, 5:59342
––Resolution
–––Chancellor, by, 5:59354, 5:59356
–––Formal, 5:59356
–––Informal, 5:59354
–Definitions, 5:59310, 5:59311
–Disabled visitor parking, 5:59306
–District officer, 5:59324
–District's powers and duties, 5:59320-5:59326
––Informal resolution, 5:59327
––Notice to students and employees, 5:59326
––Regulations, adoption, 5:59322
–Enforcement, 5:59360
–Equal employment opportunity
See Equal employment opportunity, this heading
–Intent, 5:59304
–Matriculation programs, 5:55534
–New issues raised on appeal or petition for review, 5:59351
–Purpose of regulations, 5:59300
–Reports to chancellor, 5:59333, 5:59334
–Violations, enforcement actions, 5:59360
Dismissal of students
–Definitions, 5:55030
–Notice, 5:55034
–Remedial coursework, 5:55035
–Standards for, 5:55033
Distance education, 5:55200-5:55210
–Attendance reports, 5:58051
–Course quality standards, 5:55202
–Definitions, 5:55200
–Faculty selection, 5:55208
–Independent study programs
See Independent study programs, this heading
–Instructor contact, 5:55204
–Recordkeeping and reporting, 5:55210
–Separate course approval, 5:55206
District policies and publications
–Educational master plans, 5:55080
––Approval of, 5:55190
–Effect of regulations on, 5:52010
District reorganizations, 5:59420-5:59424
–Bond proceeds, use, 5:59422
–Newly formed district, 5:59420
–Records, disposition, 5:59424
Educational centers, approval of, 5:55180-5:55184
–Alternative delivery systems, 5:55184
–Applications, 5:55182
–Assessment of needs and preferences, 5:55182
–Definitions, 5:55180
–Objectives, 5:55183
–Review procedures, 5:55181
Educationally disadvantaged
See Extended opportunity programs and services, this heading
Elections for student representation fees
–Establishment of fee, 5:54801
–Termination of fee, 5:54803
Electronic document submissions, 5:54300
Emergency information, minors, 5:54710
Employees, 5:53000-5:53502
See also Instructors, this heading
–Administrators
See Administrators, this heading
–Conflict of interest disclosures, 5:50500
–Counselors
See Counseling programs, this heading
–Credentials
See Credentials, this heading
–Definition of certificated employee, 5:53405
–Disabled, 5:53025
–Disabled student programs and services, 5:56048
–Equal employment opportunity, 5:51010
–Equal opportunity
See Equal employment opportunity, this heading
–Extended opportunity programs and services, 5:56260-5:56264

COMMUNITY COLLEGES–*continued*
Employees–*continued*
–Flexible calendar operations, 5:55720
––Employee activity agreements, 5:55726
–Governance of college, participation, 5:51023.5
–Indemnity bonds, 5:58318
–Job announcements and qualifications, equal employment opportunity, 5:53022
–Management of college, participation, 5:51023.5
–Performance evaluation rules, 5:53130
–Qualifications, 5:53400-5:53430
–Recruitment, equal employment opportunity, 5:53021
–Selection procedures, equal employment opportunity, 5:53024
–Sick leave, transfer of accumulation, 5:53125
–Supervisors
See also Administrators, this heading
––Extended opportunity programs and services director, 5:56262
–Transfer, sick leave accumulation, 5:53125
Energy conservation projects
See Buildings and grounds, this heading
Enrollment
–Fee
See Tuition and fees, this heading
–Open enrollment
See Open enrollment, this heading
–Procedures, 5:58108
–Veterans residing 60 miles away, 5:54200
Environmental quality
See Buildings and grounds, this heading
Equal employment opportunity, 5:51010, 5:53000-5:53034
–Additional steps to correct underrepresentation, 5:53006
–Administration by district, 5:53020
–Advisory committee, 5:53005
–Applicability of regulations, 5:53000
–Applicant pool, 5:53023
–Complaints, 5:53026
–Definitions, 5:53001
–Delegation of authority, 5:53020
–Disabled persons, 5:53025
–District plan, adoption, 5:53003
–Evaluation, 5:53004
–Faculty and staff diversity fund, 5:53030-5:53034
–Fund allocations, 5:53030-5:53034
––Reports, 5:53033, 5:53034
–Implementation, 5:53020-5:53027
–Job announcements and qualifications, 5:53022
–Merit systems, applicability, 5:53027
–Policy statement, adoption, 5:53002
–Purpose, 5:53000
–Records and reports, 5:53003
––Annual report, 5:53004
–Recruitment, 5:53021
–Responsibility for, 5:53020
–Screening process, 5:53024
–Selection procedures, 5:53024
–Survey of employment patterns, 5:53004
–Violations, complaints, 5:53026
Equipment
–Disabled employees and applicant, accommodations, 5:53025
–Disabled student programs and services, 5:56026
Examinations
–Advanced placement, 5:55052
–Credits earned by, 5:55050
Excursions, 5:55220
–Medical or hospital service, 5:55222
Extended opportunity programs and services, 5:56200-5:56298
–Accounts and accounting, 5:56290
–Advisement services, 5:56236
–Advisory committee, 5:56208
–Assessments, 5:56234
–Basic skills instruction, 5:56238
–Career counseling services, 5:56240
–Counseling services, 5:56236
–Counselor, 5:56264
–Definition
––Full-time student, 5:56202
–Director, 5:56230, 5:56262

COMMUNITY COLLEGES–*continued*
Extended opportunity programs and services–*continued*
–Eligibility, 5:56220-5:56226
––Limitations, 5:56226
–Evaluation, 5:56278
–Financial aid, 5:56252-5:56258
––Amount of award, 5:56254
––Award, 5:56254, 5:56256
––Disbursement, 5:56254, 5:56256
––Eligibility, 5:56224
––Emergency loans, 5:56258
––Funding, 5:56298
––Purpose, 5:56252
–Full-time student, definition, 5:56202
–Funding, 5:56290-5:56298
––Accounts and accounting, 5:56290
––Adjustment of allocations, 5:56292
––Allowed expenditures, 5:56295
––Comparable level of service, maintaining, 5:56210
––District's contribution, 5:56293
––Financial aid grants, 5:56298
––Nonallowed expenditures, 5:56296
––Records and reports, 5:56206
––Special projects, 5:56297
––Student served defined, 5:56202
––Use of funds, 5:56294
–Implementation, 5:56200
–Matriculation programs, 5:55522
–Orientation services, 5:56232
–Outreach services, 5:56232
–Plan, 5:56270-5:56280
––Approval, 5:56270, 5:56276
––Contents, 5:56272
––Deadline for submission, 5:56274
––Priorities, 5:56280
–Priorities, 5:56280
–Records and reports, funding requirements, 5:56206
–Registration services, 5:56232
–Special projects funding, 5:56297
–Staff, 5:56260-5:56264
––Counselor, 5:56264
––Director, 5:56230, 5:56262
––Qualifications, 5:56260
––Supervision, 5:56260
–Transfer services, 5:56240
–Tutoring services, 5:56238
–Waiver of requirements, 5:56201
Facilities
See Buildings and grounds, this heading
Faculty
See Instructors, this heading
Faculty councils
See Academic senates, this heading
Federal facilities, use, 5:55308
Fees
See Tuition and fees, this heading
Field trips, 5:55220
–Funding, 5:58166
–Medical or hospital service, 5:55222
Financial aid
–Audits, 5:59015
–Auxiliary organizations operating
See Auxiliary organizations, this heading
–Board of governors grants
See Board of governors grants, this heading
–Extended opportunity programs
See Extended opportunity programs and services, this heading
–Funding, 5:58730-5:58734
–Real estate education
See Real estate education endowment fund, this heading
–Scholarship standards
See Scholarship standards, this heading
Flexible calendar
See Calendar, this heading
Food services
–Auxiliary organizations operating
See Auxiliary organizations, this heading
–Prices, 5:59013
Formation
See New colleges and centers, this heading

COMMUNITY COLLEGES–*continued*
Full-time equivalent student
See Attendance reports, this heading
Funds, 5:58000-5:58785
–Accounts and accounting
See Accounts and accounting, this heading
–Allocation, 5:58139
–Apportionment, 5:58130.5-5:58172
––Adjustive, 5:58134-5:58136, 5:59114-5:59118
––Emergency appropriations, 5:58316
––Estimate, 5:58130.5
––Field trips, 5:58166
––Final, 5:58131
––Intercollegiate athletics, 5:58162
––Learning assistance, 5:58172
––Limitations on use, 5:58140
––Noncredit courses, 5:58160
––Nonresident exempt students included for purposes of, 5:58003.6
––175-day rule, 5:58142, 5:58146
––Open entry/open exit courses, 5:58164
––Repetition of courses, 5:58161
––Second principal apportionment, 5:58131
––Tutoring, 5:58168, 5:58170
––Withholding, 5:58142
–Apprenticeship classes, allocation and payment of excess costs, 5:55675
–Athletics
––Discrimination prohibition, 5:58107
––Intercollegiate, 5:58162
–Attendance documentation
See Attendance reports, this heading
–Audits
See Audits, this heading
–Budgets
See Budgets, this heading
–Buildings and grounds
See Buildings and grounds, this heading
–Closure for emergencies, 5:58146
–Construction
––District funding, 5:57150-5:57158
––Energy conservation projects, 5:57061
––Federal funds, proration, 5:57002
–Deferred maintenance, 5:57202-5:57205
–Disabled student programs and services
See Disabled student programs and services, this heading
–Emergency appropriations, 5:58316
–Employee indemnity bonds, 5:58318
–Equal opportunity programs
See Equal employment opportunity, this heading
–Estimate of, 5:58130.5
–Extended opportunity programs and services
See Extended opportunity programs and services, this heading
–Field trips, 5:58166
–Financial condition reports, 5:58310-5:58316
–Fiscal management principles, 5:58311
–Flexible calendar operations, 5:55732
–Food services, 5:59013
–Health services
See Health services, this heading
–Independent study programs, eligibility, 5:55238
–Instructional improvement fund
See Instructional improvement fund, this heading
–Instructor salary expenditures, hardship exemption, 5:59204-5:59214
See also Instructors, this heading
–Intercollegiate athletics, 5:58162
–Interstate attendance agreements, 5:58200-5:58210
–Learning assistance, 5:58172
–Matriculation programs, 5:55500
––Allocation, 5:55518
––Audits, 5:55512
–Minimum standards for state funding, 5:51000-5:51102
–Noncredit courses, 5:58160
––Physical education, 5:58130
–175-day rule, 5:58120, 5:58142
––Emergency exception, 5:58146
–Open entry/open exit courses, 5:58164
–Physical education classes, noncredit, 5:58130
–Program based funding, 5:58700-5:58785
See also Program based funding, this heading

COMMUNITY COLLEGES–*continued*
Funds–*continued*
–Proportion of full- and part-time faculty, allocations based on, 5:51025
–Real estate education endowment fund
See Real estate education endowment fund, this heading
–Reduction, 5:51025
––Elimination of reduction requirements for FY2002-03 and 2003-04, 5:51025.5
–Reorganization of district, disposition of bond proceeds, 5:59422
–Repetition of courses, 5:58161
–Restrictions
––Physical education classes, noncredit, 5:58130
––Use of apportionment, 5:58140
–Second principal apportionment, 5:58131
–Tax levy computation, 5:58305
–Tuition and fees
See Tuition and fees, this heading
–Tutoring, 5:58168, 5:58170
–Withholding, 5:51102, 5:58142
General education, associate degree philosophy and criteria, 5:55061
Gifts, bequests, and endowments
–Accounts and accounting, 5:59016
–Auxiliary organizations operating
See Auxiliary organizations, this heading
Governance
See Management, this heading
Grading practices, 5:55020-5:55025
–Academic record symbols, 5:55023
–Change of grade, 5:55025
–District policies, 5:55021
–District regulations, 5:55020
–Grade point averages, 5:55023
–Pass-no pass options, 5:55022
–Withdrawal from course, 5:55024
–Withholding grades for nonpayment of financial obligations, 5:59410
Grants
–Board of governors grants, 5:58600-5:58630
–Extended opportunity programs and services, financial aid grants, 5:56298
–Instructional improvement fund, 5:56670-5:56678
–Real estate education endowment fund, 5:56610-5:56617
Handbook on course approval criteria, 5:55000.5
Health sciences funds, immediate supervision requirement, 5:58055
Health services
–Auxiliary organizations operating
See Auxiliary organizations, this heading
–Field trips, 5:55222
–Funds, 5:54700-5:54708
––Accounts and accounting, 5:54700
––Allowable expenses, 5:54704, 5:54708
––Deposit, 5:54700
––Unallowable expenses, 5:54706
––Use, 5:54702-5:54706
–Qualifications of professionals, 5:53411
Hearings
–Budgets, proposed, 5:58301
–Discrimination complaint, 5:59358
–Instructor salary expenditures, hardship exemption, 5:59208
High school courses
–Adult diploma programs, 5:55154
–Articulation of, 5:55051
Hospital nursing programs, 5:55304
Independent study programs, 5:55230-5:55240
–Academic standards, 5:55232
–Attendance reports, 5:58009, 5:58051
–Availability of faculty, 5:55236
–Evaluation of student progress, 5:55234
–Funding, eligibility, 5:55238
–Purpose of regulations, 5:55230
–Records and reports
––Funding requirements, 5:55238
––Student progress, 5:55234
Inmate students, attendance reports, 5:58051.6
In-service training programs, attendance reports, 5:58051
Instructional improvement fund, 5:56652-5:56684

COMMUNITY COLLEGES–*continued*
Instructional improvement fund–*continued*
–Advisory and review council, powers and duties, 5:56658
–Definitions, 5:56654
–Eligibility, 5:56652
–Grants, 5:56670-5:56678
––Application for, 5:56670
–––Proposal, 5:56672
––Award, 5:56676
––Proposal, 5:56672
––Records and reports, 5:56678
––Terms and conditions, 5:56676
–Loans
––Award, 5:56682
––Repayment, 5:56684
––Terms and conditions, 5:56682
–Proportion of full- and part-time faculty, allocations based on, 5:51025
–Repayment of loans, 5:56684
Instructional materials, 5:59400-5:59408
–Definitions, 5:59402
–District policies and regulations, 5:59404
–Effective date of regulations, 5:59408
–Fees, 5:59400
–Reports, 5:59406, 5:59406.5
–Required materials, 5:59400
–Violations, 5:59408
Instructional television, telecourses
See Independent study programs, this heading
Instructors, 5:53200-5:53502
See also Employees, this heading
–Academic freedom, 5:51023
–Academic senates
See Academic senates, this heading
–Apprenticeship instructors
––Credentials
See Credentials, this heading
–Apprenticeship instructors, qualifications, 5:53413
–Councils
See Academic senates, this heading
–Credit courses, qualifications, 5:53410
–Definitions, 5:53402
––Experience, 5:53404
–Disabled student programs and services, qualifications, 5:53414
–Distance education, 5:55208
––Instructor contact, 5:55204
–Interns, 5:53500-5:53502
––Definition, 5:53500
––Purpose of program, 5:53501
––Qualifications, 5:53502
–Noncredit courses, qualifications, 5:53412
––Community services and contract classes, 5:53401
–Performance evaluation rules, 5:53130
–Proportion of full- and part-time, 5:53300-5:53319
––Addition of full-time positions, 5:53312
––Base data, 5:53311
––Definition of full-time faculty, 5:53302
––Definition of part-time faculty, 5:53301
––Full-time equivalent faculty, calculation, 5:53309, 5:53310
––Full-time faculty percentage, 5:53308
––Funding for, 5:51025
––Report, 5:53314
––Scope of regulations, 5:53300
–Qualifications, 5:53400-5:53430
See also Credentials, this heading
––Accredited degrees and units, 5:53406
––Apprenticeship instructors, 5:53413
––Certificated employee defined, 5:53405
––Credit courses, 5:53410
–––Professional license as alternative, 5:53410.1
––Definition, 5:53402
––Disabled student programs and services, 5:53414
––Disciplines lists, 5:53407
––Equivalencies, 5:53430
––Experience defined, 5:53404
––Interns, 5:53502
––Learning assistance coordinators or instructors, 5:53415
––Learning skills coordinators or instructors, 5:53415

COMMUNITY COLLEGES–*continued*
Instructors–*continued*
–Qualifications–*continued*
––Licensed or certificated occupations, 5:53417
––Noncredit courses, 5:53412
–––Applicability of regulations, 5:53401
–––Community services and contract classes, 5:53401
––Professional license as alternative, 5:53410.1
––Retroactivity of regulations, 5:53403
––Scope of regulations, 5:53400
––Tutoring coordinators, 5:53415
––Work experience instructors or coordinators, 5:53416
–Salary expenditures, hardship exemption, 5:59204-5:59214
––Application for exemption, 5:59206
–––Amendment, 5:59212
–––Failure to file, 5:59213
–––Notice, 5:59207
––Approval, 5:59211
––Chancellor's recommendation, 5:59210
––Definitions, 5:59204
––Denial, 5:59211, 5:59213
––Failure to comply, 5:59214
––Hearings, 5:59208
––Nonexempted deficiency, 5:59213, 5:59214
––Notice
–––Application for exemption, 5:59207
–––Hearings, 5:59208
––Response by academic employees, 5:59209
Intercollegiate athletics, funding, 5:58162
Interpreters, disabled student programs and services, 5:56026
Interstate attendance
See Attendance, interstate, this heading
Jails, courses conducted at, 5:55310
Laboratories
See Buildings and grounds, this heading
Learning assistance
–Coordinators or instructors, qualifications, 5:53415
–Funding, 5:58172
Learning center services, funding, 5:58720-5:58724
Learning skills coordinators or instructors, qualifications, 5:53415
Liability insurance, nursing programs in hospitals, 5:55304
Librarians
–Qualifications, 5:53410
Libraries
–Construction, 5:57030
–Funding, 5:58720-5:58724
Long-range planning
See Comprehensive plans, this heading
Management
–Staff participation, 5:51023.5
–Student participation, 5:51023.7
Master plans, 5:51008, 5:55080
–Approval of, 5:55190
–Educational program, 5:55400-5:55405
Matriculation programs, 5:51024, 5:55500-5:55534
–Annual reports, 5:55514
–Appeals, 5:55534
–Applicability of regulations, 5:55500
–Assessment instruments and guidelines, 5:55524
–Complaints, 5:55534
–Counseling services, 5:55523
–Definitions, 5:55502
–Disabled students, 5:55522
–Discrimination, 5:55534
–Enrollment limitations, 5:58106
–Evaluation, 5:55512
–Exemptions, 5:55532
–Faculty and staff training, 5:55516
–Funding, 5:55500, 5:58730-5:58734
––Allocation, 5:55518
––Audits, 5:55512
–Implementation, 5:55500
–Minority students, 5:55522
–Plans, 5:55510
–Prerequisites, challenges to, 5:55510
–Prohibitions, 5:55521
–Purpose of regulations, 5:55500
–Records and reports

COMMUNITY COLLEGES–*continued*
Matriculation programs–*continued*
–Records and reports–*continued*
––Annual reports, 5:55514
––Complaints, 5:55534
–Scope of regulations, 5:55500
–Services, 5:55520-5:55526
–Student educational plan, 5:55525
–Student follow-up, 5:55526
–Student rights and responsibilities, 5:55530
–Violations, 5:55534
–Waivers, 5:55534
Media center services, funding, 5:58720-5:58724
Military service
–Contracts to provide courses, 5:55303
–Military withdrawal, 5:58508
–Residence classification
––Dependent, 5:54041, 5:54050
––Member of military, 5:54042, 5:54050
New colleges and centers
–Approval, 5:51014
Noncompliance, 5:51102
Noncredit courses, 5:55002
–Approval, 5:55150, 5:55153
–Associate degrees, applicable toward, 5:55064
–Attendance reports, 5:58007
–Career development and college preparation courses, 5:55151
–Certificates, 5:55155
–Funding, 5:58160, 5:58760, 5:58762
–Physical education or dance, funding restrictions, 5:58130
Nondegree credit courses, 5:55002
Nonresidents
–Attendance reports, 5:58025
–Residence classification
See Residence classification, this heading
–Tuition exemption, 5:54045.5
–Veterans residing 60 miles away, enrollment, 5:54200
Notice
–Budgets, proposed, 5:58301
–Discrimination complaint
––Chancellor, to, 5:59330
––Defective complaint, 5:59332
–Dismissal of student, 5:55034
–Instructor salary expenditures, hardship exemption
––Application for exemption, 5:59207
––Hearings, 5:59208
–Noncompliance, of, 5:51102
–Nondiscrimination policy and regulations, 5:59326
–Performance evaluation rules, 5:53130
–Probation of student, 5:55034
–Residence classification rules, 5:54001
Nursing programs in hospitals, 5:55304
Objectives, 5:51020
Open courses, 5:51006
Open enrollment, 5:51006
–Description of courses, 5:58102, 5:58104
–Limitations, 5:58106
–Procedures, 5:58108
–Publication of courses, 5:58102, 5:58104
Open entry/open exit courses, funding, 5:58164
Organizations
See Student organizations, this heading
Parking
–Disabled students, 5:54100, 5:56026
–Disabled visitors, 5:59306
Pass-no pass course options, 5:55022
Plans, comprehensive
See Comprehensive plans, this heading
Prerequisites, corequisites, and advisories on course preparation, 5:55003
Probation of students
–Academic, 5:55031
–Definitions, 5:55030
–Notice, 5:55034
–Progress probation, 5:55031
–Remedial coursework, 5:55035
–Removal from, 5:55032
–Standards, 5:55031
Program based funding, 5:58700-5:58785
–Adjustments under former funding system, 5:58707

COMMUNITY COLLEGES–*continued*
Program based funding–*continued*
–Allocation process, 5:58770-5:58779
–Annexation of rural nondistrict territory, funding increase, 5:58774.5
–Applicability of regulations, 5:58700
–Apportionment procedure, 5:58770
–Base fiscal year revenue, 5:58771
–Credit instruction, 5:58710-5:58714
––Activities funded, 5:58710
––Scale factors, 5:58714
––Standards, 5:58712
–Credit instructional services, 5:58720-5:58724
––Activities funded, 5:58720
––Standards, 5:58722
–––Libraries and media centers, 5:58724
–Deficit mechanism, 5:58779
–Financial aid, 5:58730-5:58734
–Growth revenue, 5:58774
–Inflation adjustments, 5:58773
–Institutional support
––Activities funded, 5:58750
––Standards, 5:58752
–Insufficient revenues, 5:58772
–Learning center services, 5:58720-5:58724
–Library, 5:58720-5:58724
–Maintenance and operations
––Activities funded, 5:58740
––Standards, 5:58742
–Matriculation programs, 5:58730-5:58734
–Media center services, 5:58720-5:58724
–Noncredit courses
––Activities funded, 5:58760
––Standards, 5:58762
–Principles, 5:58704
–Prospective funding priorities, 5:58704
–Records and reports, 5:58780, 5:58782
–Restoration of reductions, 5:58777
–Scope of regulations, 5:58702
–Small colleges and universities, 5:58704
–Stability adjustment, 5:58776
–Student services, 5:58730-5:58734
––Activities funded, 5:58730
––Scale factors, 5:58734
––Standards, 5:58732
–Waivers, 5:58702.5
–Workload reduction, 5:58772
Public relations programs, auxiliary organizations operating
See Auxiliary organizations, this heading
Real estate education endowment fund, 5:56600-5:56617
–Advisory committee, 5:56602
––Travel expenses, 5:56603
–Grant program, 5:56610-5:56617
––Application for, 5:56616
––Criteria for funding, 5:56614
––Evaluation of projects, 5:56615
––Limitations, 5:56617
––Purpose, 5:56610
–Purpose, 5:56600
–Scholarship program, 5:56604-5:56608
––Amount of award, 5:56608
––Application for, 5:56605
––Award, 5:56605
––Eligibility, 5:56606
––Limitations, 5:56608
––Purpose, 5:56604
Records and reports, 5:59020-5:59033
See also Student records, this heading
–Attendance reports
See Attendance reports, this heading
–Audit reports, due date, 5:59106
–Auxiliary organizations
See Auxiliary organizations, this heading
–Bilingual education teacher corps program, 5:11604
–Board of governors grants, 5:58630
–Budgets
See Budgets, this heading
–Building construction, expenditure report, 5:57011
–Classification, 5:59022
–Continuing records, retention, 5:59025, 5:59026
–Cooperative work experience programs, 5:55256

COMMUNITY COLLEGES–*continued*
Records and reports–*continued*
–Curriculum, 5:55006
–Definition, 5:59020
–Destruction, 5:59027-5:59033
––Attendance records lost or destroyed by calamity, 5:59031, 5:59033
––Board, duties, 5:59028
––Calamity, destruction by, 5:59030-5:59033
––Certification of contents, 5:59030
––Chief administrative officer, duties, 5:59027
––Methods, 5:59029
––Student records, 5:54608
–Disabled student programs and services, 5:56030
––Budget reports, 5:56072
––Enrollment reports, 5:56072
––Student rights, 5:56008
–Discrimination investigations, 5:59334
–Disposable records, retention, 5:59025, 5:59026
–Distance education, 5:55210
–Equal opportunity programs
See Equal employment opportunity, this heading
–Extended opportunity programs and services, 5:56206
–Financial condition of district, 5:58310
–Flexible calendar operations, 5:55730
––Attendance reports, 5:55728
––Chancellor's report, 5:55732
–Independent study programs
––Funding requirements, 5:55238
––Student progress, 5:55234
–Instructional improvement fund grants, 5:56678
–Instructional materials, 5:59406, 5:59406.5
–Interstate attendance, 5:58210
–Matriculation programs
––Annual reports, 5:55514
––Complaints, 5:55534
–Optional records, retention, 5:59024
–Permanent records, retention, 5:59023
–Program based funding, 5:58780, 5:58782
–Proportion of full- and part-time faculty, 5:53314
–Reorganization of district, disposition of records, 5:59424
–Retention, 5:59023-5:59026
––Continuing records, 5:59025, 5:59026
––Disposable records, 5:59025, 5:59026
––Optional records, 5:59024
––Permanent records, 5:59023
––Student records, 5:54608
–Scope of regulations, 5:59021
–Student records
See Student records, this heading
–Transfer centers, 5:51027
Registration procedures, 5:58108
Regulations, effect of, 5:52000-5:52010
Reorganization of district
See District reorganizations, this heading
Repetition of courses, 5:55040-5:55044
–Academic renewal without, 5:55044
–Activity courses, 5:55042
–District policy, 5:55040
–Funding, 5:58161
–Substandard academic work not recorded, 5:55041
–Variable unit courses, 5:55043
Residence classification, 5:54000-5:54072
–Agricultural employment, 5:54048
–Aliens, 5:54045
–Appeals, 5:54060
–Burden of proof, 5:54026
–Custody of resident adult, 5:54047
–Determination date, 5:54002
–Evidence of residence, 5:54010-5:54026
–Financial independence, 5:54032
–Intent of residence, 5:54020, 5:54024, 5:54026
–Military dependent, 5:54041, 5:54050
–Military member, 5:54042, 5:54050
–Physical presence, 5:54020, 5:54022, 5:54026
–Procedures, 5:54010
–Questionnaires, 5:54012
–Reestablishing residence, 5:54030
–Rules, publication, 5:54001
–School employee, 5:54046
–Self-supporting exception, 5:54040
–Uniform requirements, 5:54000

COMMUNITY COLLEGES–*continued*
Residence classification–*continued*
–Waiting period, 5:54028
––Exception, 5:54050
Review, 5:51100, 5:51102
Scholarship standards, 5:51002
See also generally Financial aid, this heading
–Grading practices
See Grading practices, this heading
–Probation
See Probation of students, this heading
Sex Equity in Education Act, implementation, 5:59300-5:59362
Solicitations, student credit cards, 5:54400
Staff
See Employees, this heading
Student aid
See Financial aid, this heading
Student center fee, 5:58510
Student equity plans, 5:51026, 5:54220
Student fees
See Tuition and fees, this heading
Student organizations
See also Auxiliary organizations, this heading
–Representation fees, 5:54801-5:54805
––Collection, 5:54805
––Election, calling
–––Establishment of fee, 5:54801
–––Termination of fee, 5:54803
––Termination, 5:54803
Student records, 5:54600-5:54630
–Access to, 5:54610-5:54616
––Consent, 5:54616
––Waiver, 5:54612
–Challenging content, 5:54630
–Destruction, 5:54608
–Directory information, 5:54626
–Grades
––Withholding for nonpayment of financial obligations, 5:59410
–Policy, 5:54604
–Purpose of regulations, 5:54600
–Retention, 5:54608
–Withholding for nonpayment of financial obligations, 5:59410
Students, 5:54000-5:54805
–Counseling
See Counseling programs, this heading
–Emergency information, 5:54710
–Fees
See Tuition and fees, this heading
–Financial aid
See Financial aid, this heading
–Governance of college, participation, 5:51023.7
–Management of college, participation, 5:51023.7
–Records
See Student records, this heading
–Transfer programs, 5:51027
–Veterans, residences 60 miles away, 5:54200
Student senate, 5:50002
Student services, funding, 5:58730-5:58734
Supervisors
See Employees, this heading
Tax levy computation, 5:58305
Teacher training, integrated programs, 5:40523
Telecourses
See Independent study programs, this heading
Transfer of students, 5:51027
Transportation services
–Disabled student programs and services, 5:56026
–Fee election, 5:58520
Tuition and fees, 5:51012, 5:58500-5:58520
–Enrollment fee, 5:58500-5:58509
––Adding or dropping course, adjustment of fee, 5:58507
––Amount, 5:58501
––Collection, 5:58502
––Definition, 5:58500
––Differential enrollment fee, 5:58501.1
––Maximum, 5:58501
––Postgraduate students, 5:58501.1
––Refunds, 5:58508
––Variable unit class, 5:58503
––Wildfires, waivers for students impacted by, 5:58509

COMMUNITY COLLEGES–*continued*
Tuition and fees–*continued*
–Food services, 5:59013
–Health service fees, 5:54700-5:54708
–Instructional materials, 5:59400
–Nonpayment penalties, 5:59410
–Nonresident tuition exemption, 5:54045.5
–Refunds, 5:54070
––Enrollment fee, 5:58508
–Representation fees, 5:54801-5:54805
–Residence classification
See Residence classification, this heading
–Student center fee, 5:58510
–Transportation services fee election, 5:58520
–Waiver, 5:54072
Tutoring
–Coordinators, qualifications, 5:53415
–Funding, 5:58168, 5:58170
Vocational education, 5:55600-5:55675
–Advisory committee, 5:55601
–Apprenticeship classes
See Apprenticeship classes, funding, this heading
–Contracts, 5:55600-5:55630
––Accounts, 5:55605
––Approval, 5:55605
––Authority to contract, 5:55602
––Budgets, 5:55605
––Conditions, 5:55630
––Definitions, 5:55600
––Limitations, 5:55605
––Physically impaired students, 5:55602.5
––Standards, 5:55620
––Terms, 5:55630
–Cooperative work experience
See Cooperative work experience programs, this heading
–Short-term programs, approval, 5:55152
Waivers
–Program based funding regulations, 5:58702.5
–Wildfires, students impacted by, 5:58509
Wildfires, waivers for students impacted by, 5:58509
Withdrawal from course, 5:55024
–Reenrollment, apportionment for attendance, 5:58161.5
Work experience programs
See Cooperative work experience programs, this heading
Workshops, conferences, and institutes, operated by auxiliary organizations
See Auxiliary organizations, this heading

CONFIDENTIAL INFORMATION
Child care services, notice and consent form for data collection, 5:18070
Discrimination or sexual harassment complaints, schools and school districts, 5:4964
Teacher credential investigation reports, 5:80316.5
Teachers making unauthorized disclosure, 5:80334

CONFLICT OF INTEREST
Community colleges, 5:50500
Education Audit Appeals Panel, 5:19802
Education Board, State, 5:18600
Education Department, 5:70
Student Aid Commission, 5:30060
Teacher Credentialing Commission, 5:80225
Teachers, employment by other school, 5:5500
Teachers' Retirement System code, 5:22000
Universities and colleges, state, 5:43810

CONSENT
Child care services, notice and consent form for data collection, 5:18070

CONTEMPT
Special education, sanctions, 5:3088

CONTINUING EDUCATION
School district programs, 5:11000-5:11010
–Apportionment of funds, 5:11006
–Coordination, 5:11003
–Director, 5:11000
–Guidance, placement, and follow-up programs, 5:11001
–High schools, 5:11004
–Individual instruction, 5:11002

CONTINUING EDUCATION–*continued*
School district programs–*continued*
–Records and reports, 5:11005

CONTRACTS
Community colleges
See COMMUNITY COLLEGES
Schools
See SCHOOLS AND SCHOOL DISTRICTS
Special education
See SPECIAL EDUCATION
Teachers' retirement system, 5:20520
Universities and colleges, state
–Auxiliary organizations, 5:42501, 5:42502
–Disabled veterans, enterprise participation goals, 5:43870-5:43874
–Tax deferred retirement benefits, 5:42851

COOPERATIVE COUNTY PUBLICATION PROJECTS
Definitions, 5:17281
Reimbursement of travel expenses
–Application of, 5:17280
–Final filing date for claims, 5:17283
–Reimbursement allowances, 5:17282

CORRESPONDENCE COURSES AND SCHOOLS
High school diploma, credit toward, 5:1633
Postsecondary schools, private
–Degree granting schools, 5:71830
–Instructional materials, time requirement for sending to student, 5:18805
–Massage instruction, 5:18818
–Out-of-state regionally accredited degree granting institutions, 5:72830
–Refund of tuition and fees, 5:18805

COSMETOLOGY AND ELECTROLOGY SCHOOLS
Catalog, 5:73760

COUNSELING
Community college programs
See COMMUNITY COLLEGES
School services
See SCHOOLS AND SCHOOL DISTRICTS
Special education services
–Nonpublic, nonsectarian school and agency services, 5:3065
Universities and colleges, state, 5:41701

CREDIT CARDS
Student solicitation, on-campus restrictions, 5:42350.6
–Community colleges, 5:54400

CRIMES AND OFFENSES
School reporting requirements, 5:700-5:705
Teacher credential, grounds for denial, 5:80301

CULTURAL DIVERSITY
See also BILINGUAL REQUIREMENTS
Gifted and talented pupil program, linguistically or culturally diverse pupils, 5:3840
Teachers
–Bilingual, crosscultural, language and academic development (BCLAD) certificate, 5:80015-5:80015.4

D

DEAF PERSONS
Education
See SPECIAL EDUCATION
–State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS

DEFINITIONS
Adult education, 5:10501
–High school exit examinations, 5:1200
–Job training, performance-based accountability (PBA) system, 5:19600

DEFINITIONS–*continued*
American Indian Education Centers, 5:11996.1
Cal grants, 5:30000-5:30009
CalWORKs
–Child care and development programs, 5:18400
Charter schools, 5:11965
See CHARTER SCHOOLS
Colleges and universities, state
See UNIVERSITIES AND COLLEGES, STATE
Community colleges
See COMMUNITY COLLEGES
Distance education, 5:55205
Education Audit Appeals Panel, 5:19800
–Audit reports, 5:19816
Education department, 5:2
GED test, 5:11530
General educational development test, 5:11530
Golden State Scholarshare Trust Program, 5:30950
High school, 5:2
High school equivalency certificate (GED), 5:11530
Job training
–Performance-based accountability (PBA) system, 5:19600
Libraries
See LIBRARIES
Library of California, 5:20302
No child left behind
–Supplemental services providers, 5:13075.1
–Teacher requirements, 5:6100
No child left behind teacher requirements, 5:6001
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
Pupils, 5:2
–Standardized testing and reporting (STAR) program, 5:850
Reading and literacy improvement and public library construction and renovation bond act, 5:20430
Scholarshare Trust Program, 5:30950
Schools and school districts
See SCHOOLS AND SCHOOL DISTRICTS
Special education, 5:3001
–Extended year, 5:3043
–Health services, 5:3051.12
Standardized testing and reporting (STAR) program, 5:850
State library
See LIBRARY, STATE
State schools for deaf or blind, and diagnostic centers
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Teachers' retirement system, 5:20500
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

DEGREES, ACADEMIC
Community colleges
See COMMUNITY COLLEGES
High school diplomas
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Diplomas, high school
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Graduation requirements

DENTAL AUXILIARIES
School services, hygienists' credentials, 5:80051, 5:80052

DENTISTS
School services, credentials, 5:80051, 5:80052

DESTRUCTION OF PROPERTY
School property, suspension or expulsion of pupil, 5:305
State library materials, 5:20004
Universities and colleges, state; by student, 5:41301

DEVELOPMENTALLY DISABLED PERSONS
Community college work experience programs, funding, 5:55250.4

DIAGNOSTIC SCHOOLS
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS

DIGITAL SIGNATURES
Community colleges, electronic document submissions, 5:54300
Teacher credential application documents, 5:80434

DIPLOMAS
Community colleges
See COMMUNITY COLLEGES
High school diplomas
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Diplomas, high school
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Graduation requirements

DISABLED PERSONS
Community college programs
See COMMUNITY COLLEGES
Library services, 5:20400
Pupils
See PUPILS, subheading: Pupils with disabilities; SPECIAL EDUCATION
State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS

DISCIPLINARY ACTIONS
Harassment, 5:4965
University students, 5:41301-5:41302

DISCLOSURE
See CONFIDENTIAL INFORMATION

DISCRIMINATION
Athletics, intercollegiate, 5:41505
Community colleges
See COMMUNITY COLLEGES
Elementary and secondary schools receiving state funding, prohibition
See EQUAL EDUCATIONAL OPPORTUNITY
Intercollegiate activities, 5:41505
New careers in education programs, prohibition, 5:13016
Pregnancy discrimination, 5:4950
Professional development and program improvement programs, prohibition, 5:13043
Schools and school districts
See SCHOOLS AND SCHOOL DISTRICTS
State universities and colleges, student organizations, 5:41500-5:41505

DISEASES
Pupils having, admittance, 5:202
Teachers, pre-employment examination, 5:5504
–Retired persons, 5:5502, 5:5503

DISPUTE RESOLUTION
Golden State Scholarshare Trust Program, 5:30957

DISTANCE LEARNING
Community colleges, 5:55200-5:55210
See also COMMUNITY COLLEGES

DORMITORIES
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Housing facilities

DRIVER EDUCATION
School programs
See SCHOOLS AND SCHOOL DISTRICTS
Special education programs, 5:3051.8
–Nonpublic, nonsectarian school and agency services, 5:3065

DRUG ABUSE AND ADDICTION
Teachers, 5:80336

DRUG OFFENSES
School reporting requirements, 5:700-5:705
State college or university student, 5:41301
Teacher credential, grounds for denial, 5:80301

DRUGS
Schools, administration of medication to pupils, 5:600-5:611

E

EASEMENTS
School building construction, 5:14010

EDUCATION
Distance education, 5:55200-5:55210
Financial assistance
See STUDENT AID
Teachers
See TEACHERS

EDUCATIONALLY DISADVANTAGED STUDENTS
Community colleges, 5:56200-5:56298
See also COMMUNITY COLLEGES, subheading: Extended opportunity programs and services
Public schools, 5:4400-5:4426
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Compensatory education

EDUCATIONAL TELEVISION
School classroom instruction
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Instructional television
Telecourses
See COMMUNITY COLLEGES, subheading: Independent study programs
Universities and colleges, state, 5:41705

EDUCATION AMENDMENTS ACT OF 1972
Equal education opportunity, applicability to, 5:4902

EDUCATION AUDIT APPEALS PANEL, 5:19800-5:19854
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Audits
Conflict of interest code, 5:19802
Majority vote, 5:19801
Public comment limitations, 5:19801
Quorum, 5:19801

EDUCATION BOARD, STATE, 5:18460-5:18600
Affirmative action employment programs
–Development and implementation, 5:31
–Policy statement, 5:30
Charter school petitions
–Review and approval, 5:11967.5, 5:11967.5.1
–Statewide benefit charter schools, submission, 5:11967.6
Conflict of interest code, 5:18600
Employees, conflict of interest disclosures, 5:18600
Equal educational opportunity policy and programs
See EQUAL EDUCATIONAL OPPORTUNITY
Hearings, 5:18460-5:18464
–Notice, 5:18460
–Public testimony, 5:18463
––Waiver of requirements, 5:18464
–Reorganization of school districts
––Arguments, presentation, 5:18571
––Resubmitted petitions, 5:18572
––Setting, 5:18570
–Speakers, 5:18461
––Reorganization of school districts, 5:18571
––Waiver of requirements, 5:18464
–Testimony, public, 5:18463
––Waiver of requirements, 5:18464
–Waiver of requirements, 5:18464
Instructional materials, public statements submitted to board, 5:18533
Members, conflict of interest disclosures, 5:18600
Notice of hearings, 5:18460
Reorganization of school districts, powers and duties, 5:18570-5:18573

EDUCATION BOARDS, LOCAL
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Governing boards

EDUCATION DEPARTMENT, 5:2-5:20400
Achievement tests, powers and duties, 5:1025
EDUCATION DEPARTMENT–*continued*
Compensatory education evaluation plans, establishing minimum criteria, 5:4422
Conflict of interest code, 5:70
Construction of schools, approval of federal aid agreements, 5:16000
Continuation high schools, approval, 5:11004
Contracts
–School lunch and breakfast programs, 5:15554
Definitions, 5:2
Employees, conflict of interest disclosures, 5:70
Fees and costs
–Inspection of records, 5:50
–Postsecondary schools, private; approval or authorization, 5:18810
––Failure to pay, 5:18828
Hearings, 5:18460
–Postsecondary schools, denial, revocation, or suspension of approval, authorization, 5:18827
Local assistance bureau
–Revenue limits for county superintendents; 1979-80 limits, official schedules, 5:15405
–Revenue limits for school districts
––1978-79 limits, official schedules, 5:15375
––1979-80 limits, official schedules, 5:15384
Lunch and breakfast programs, administration, 5:15553, 5:15554
–Notice of reimbursement rate change, 5:15565
Reading teacher scholarship application, review, 5:5711
Records and reports
–Copies, obtaining, 5:51
–Crime reporting, 5:700-5:705
–Inspection of public records, 5:50
–Removal, 5:50
–Safe schools assessment program, 5:700-5:705
–School records
See SCHOOLS AND SCHOOL DISTRICTS
Regional occupational centers and programs
–Course approval, 5:11503
–Sale of products and services, approval, 5:11508
Reorganization of school districts, review of proposal or petition, 5:18570, 5:18573
Safe schools assessment program, 5:700-5:705
Special education complaint procedures, 5:3080-5:3089
–Due process hearings, 5:3082
Superintendent of public instruction
–Adult education innovation and alternative instructional delivery program, evaluation, 5:10615
–County school service fund budget, approval, 5:17340-5:17346
–Equal education opportunity, enforcement, 5:4902
–General educational development testing centers, approval, 5:11531
–Gifted and talented pupil program, approval, 5:3860
–Healthy start program waivers, 5:11935
–Home or institutional instruction costs, reimbursement approval, 5:15180, 5:15187
–Instructional television, approval, 5:19502
–Pupil transportation allowances
––Bus replacement allowances, approval, 5:15321-5:15324
––Classification of fleets
–––Emergency exemption, 5:15248
–––Median average cost, determination, 5:15249
––Review and approval of expenditures, 5:15280-5:15285
–Revenue limits for school districts, calculation of statewide average limit
––Adult programs, 5:15380
––K-12 programs, 5:15378
–School building construction exemptions, 5:14030
–School site standard exemptions, 5:14010
–State schools for deaf or blind, and diagnostic centers, termination of supervisor or manager, 5:17648
–Summer schools, approval
––Courses authorized, 5:11472
Vocational education
–Contracts, approval, 5:11537
–Regional occupational centers and programs
EDUCATION DEPARTMENT–*continued*
Vocational education–*continued*
–Regional occupational centers and programs–*continued*
––Course approval, 5:11503
––Sale of products or services, approval, 5:11508

EDUCATION DEPARTMENT, U.S.
Paul Douglas teacher scholarship program
See TEACHERS

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 5:3000

ELECTIONS
Teachers' retirement system board members, 5:24000-5:24013

ELECTRONIC SIGNATURES
Teacher credentials, application documents, 5:80434

ELEMENTARY AND SECONDARY EDUCATION ACT
State compensatory education programs, applicability to, 5:4401

ELEMENTARY SCHOOLS
See SCHOOLS AND SCHOOL DISTRICTS

EMERGENCIES
Schools
See SCHOOLS AND SCHOOL DISTRICTS

EMPLOYMENT DISCRIMINATION
Community colleges
–Equal opportunity
See COMMUNITY COLLEGES
New careers in education programs, prohibition, 5:13016
Professional development and program improvement programs, prohibition, 5:13043
Schools, 5:30, 5:31
–New careers in education programs, prohibition, 5:13016
–Professional development and program improvement programs, prohibition, 5:13043

ENERGY
Community college conservation projects
See COMMUNITY COLLEGES, subheading: Buildings and grounds

ENGINEERS
Library construction and renovation grants, 5:20414

ENVIRONMENTAL HEALTH
School building construction, 5:14010, 5:14011
School facilities, 5:630, 5:631

ENVIRONMENTAL IMPACT REPORTS
School building construction, 5:14011

ENVIRONMENTAL QUALITY ACT OF CALIFORNIA
Community colleges, implementation, 5:57100, 5:57121
Library construction and renovation, Bond Act of 2000 funds, site requirements, 5:20438
–Application form, 5:20440 Appx. 1
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

EQUAL EDUCATIONAL OPPORTUNITY, 5:4900-5:4965
Athletic activities, 5:4920-5:4922
Bona fide academic requirements, 5:4901
Complaints, 5:4960
Compliance procedures, 5:4962
Consolidated categorical aid programs, segregation prohibited, 5:3934
Counseling services, 5:4930, 5:4931
Course access, 5:4940
Definitions, 5:4910-5:4912
District officer, 5:4961
Extracurricular and club activities, 5:4925-5:4927
Local agency compliance, 5:4960-5:4962
Marital and parental status of student, 5:4950
Parental, family or marital status, discrimination prohibited, 5:4914
Prohibited activities, 5:4913

EQUAL EDUCATIONAL OPPORTUNITY–*continued*
Purpose of regulations, 5:4900
Sexual harassment, 5:4915-5:4917
Superintendent's responsibility to enforce nondiscrimination laws, 5:4902

EQUAL EMPLOYMENT OPPORTUNITY
Community colleges
See COMMUNITY COLLEGES
Education board, state
–Policy statement, 5:30
–Program development and implementation, 5:31

ETHICS
Athletic coaches, ethical conduct code, 5:5596

EVICTIONS
State university and college housing facilities, 5:42012

EXPLOSIVES
School reporting requirements, 5:700-5:705

EXTORTION
School reporting requirements, 5:700-5:705

EXTRACURRICULAR ACTIVITIES
See SCHOOLS AND SCHOOL DISTRICTS

F

FAIR EMPLOYMENT PRACTICES ACT
New careers in education programs, compliance with, 5:13016
Professional development and program improvement programs, compliance with, 5:13043

FEDERAL AID
Community college construction, proration of funds, 5:57002
Paul Douglas teacher scholarship program
See TEACHERS
Private schools, categorical aid funds, 5:3943
Schools and school districts
–Building construction, 5:16000
–Computers, multimedia stations, 5:11971-5:11979.5
–Food commodities, 5:19540
–Private schools, categorical aid funds, 5:3943

FEDERAL FAMILY EDUCATION LOAN PROGRAM, 5:30901-5:30904

FEDERAL MARITIME ADMINISTRATION
Maritime Academy, affiliation with, 5:40056

FEES
Community colleges
See COMMUNITY COLLEGES, subheading: Tuition and fees
Education department
See EDUCATION DEPARTMENT
Library, state; photostatic copies, 5:20003
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Tuition and fees

FINE ARTS
University undergraduate degree programs, 5:40506
–Admissions, 5:40905

FINGERPRINTING
Children, school programs, 5:640, 5:641
School pupils, 5:640, 5:641
Teacher credential applicant, 5:80442, 5:80481

FIRE DRILLS, 5:550

FIRE FIGHTERS
Universities and colleges, state
–Nonresident classification exception for dependents and spouses, 5:41906

FIRE HAZARDS, 5:630

FIRES
Community colleges, waivers for students impacted by wildfires, 5:58509

FLIGHT SCHOOLS
FAA certified flight schools, application information to approve school operation, 5:73470

FOOD SERVICES
Child care and development programs, 5:18278
School nutrition programs
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Nutrition programs

FOREIGN STUDENTS
University and college students
See UNIVERSITIES AND COLLEGES, STATE

FORGERY
Student of state college or university, 5:41301

FORMS
English language development test, test security agreement and affidavit, 5:11514
High school exit examination test security agreement, 5:1211.5
Library construction and renovation grants
–Bond Act of 2000 funds
––Application, 5:20440 Appx. 1
Schools
–Alternative schools accountability model pre-post assessment security agreement and affidavit, 5:1072
–High school exit examination test security agreement, 5:1211.5
–Standardized testing and reporting (STAR) program
––Security agreement and affidavit
–––Achievement tests, 5:859

FRAUD
Student aid, 5:30302
Universities and colleges, state
–Employment application, 5:43523
–Students, 5:41301

FRUITS AND VEGETABLES
Children's consumption, California Fresh Start pilot program, 5:15566-5:15568

FUNDRAISING
Alumni associations, state universities, 5:42397.3
–Constituency groups, 5:42397.7

G

GED
See GENERAL EDUCATIONAL DEVELOPMENT TESTS

GENERAL EDUCATIONAL DEVELOPMENT TESTS, 5:11530-5:11532
Approval of testing centers, 5:11531
Certificate of proficiency, 5:11520-5:11523
Definitions, 5:11530
Eligibility to take test, 5:11532
Paul Douglas teacher scholarship program applicants, 5:30512

GIFTED AND TALENTED PUPIL PROGRAM, 5:3820-5:3870
Acceleration, 5:3840
Approval, 5:3860
College courses, 5:3840
Economically disadvantaged pupils, 5:3840
Enrichment activities, 5:3840
Funding, 5:3870
Groupings, 5:3840
Identification of pupils, 5:3820-5:3824
–Categories, 5:3822
–Evidence, 5:3823
–Methods, 5:3820
–Placement, 5:3824
Independent study, 5:3840
Indirect cost expenditures, 5:3870

GIFTED AND TALENTED PUPIL PROGRAM–*continued*
Linguistically or culturally diverse pupils, 5:3840
Parental consent, 5:3831
Plan, 5:3831
Special day classes, 5:3840
Standards, 5:3831
Types of programs, 5:3840
Underachieving pupils, 5:3840

GIFTS
Community colleges, accounting requirements, 5:59016
Teachers, to, 5:80334
Universities and colleges, state, 5:42300
–Auxiliary organizations, 5:42403, 5:42500
–Notice of acceptance and declaration of benefit, 5:42301

GOLDEN STATE SCHOLARSHARE TRUST PROGRAM, 5:30950-5:30959

GOVERNOR'S SCHOLARSHIP PROGRAMS, 5:31000-5:31007

GRADUATION FROM HIGH SCHOOL
See SECONDARY SCHOOLS

GRAFFITI
School reporting requirements, 5:700-5:705

GRANTS
American Indian Education Centers, 5:11996-5:11996.11
Community colleges
–Board of governors grants, 5:58600-5:58630
–Extended opportunity programs and services, financial aid grants, 5:56298
–Instructional improvement fund, 5:56670-5:56678
–Real estate education endowment fund, 5:56610-5:56617
Schools
See generally SCHOOLS AND SCHOOL DISTRICTS
Teachers, financial assistance
See TEACHERS, subheading: Scholarships and loans
Technology education grant program, 5:90000-5:90009

GREATER AVENUES FOR INDEPENDENCE ACT
State child care facilities fund, 5:18005-5:18008

H

HANDICAPPED PERSONS
Community college programs
See COMMUNITY COLLEGES
Library services, 5:20400
Pupils
See PUPILS, subheading: Pupils with disabilities; SPECIAL EDUCATION
–State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS

HATE CRIME
School reporting requirements, 5:700-5:705

HAZING
Student of state college or university, 5:41301

HEALTH EDUCATION
School curriculum including comprehensive health education, 5:11800, 5:11801

HIGH SCHOOLS
See SECONDARY SCHOOLS

HIGHWAYS AND ROADS
School safety patrols, 5:570-5:576
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Safety patrols

HOLIDAYS
State university and college employees, 5:42726, 5:42920

HOME INSTRUCTION
Attendance records, 5:406
Special education, 5:3051.4
–Chronically ill pupils, 5:3051.17

HOSPITALS
Community college courses
–Convalescents, courses for, 5:55305
–Nursing programs, 5:55304
County tuberculosis or poliomyelitis hospitals; adult education programs, 5:10560
Nurses in state facilities, assumption of school loans, 5:30920-5:30927
School instruction programs
See SCHOOLS AND SCHOOL DISTRICTS
Special education programs
See SPECIAL EDUCATION

I

IDENTIFICATION CARDS
High school exit examination pupils, 5:1203

INDIAN AFFAIRS AND RESERVATIONS
Education centers, 5:11996-5:11996.11
–Definitions, 5:11996.1
–Grants
––Appeals of awards, 5:11996.6
––Applications, 5:11996.3
––Extensions, 5:11996.10
––Funds awarded, 5:11996.5
––Reporting requirements, 5:11996.7
––Revisions, 5:11996.9
––Selection of applications for awards, 5:11996.4
–Oversight committee, 5:11996.2
–Program monitoring, 5:11996.8
–Purpose, 5:11996

INSPECTIONS
Private postsecondary schools, consent to inspection, 5:18811

INSURANCE
Federal Family Education Loan Program, insurance premium rate, 5:30901
School motor vehicles, 5:17305, 5:17306

INTERNET
Education technology staff development, definitions, 5:11970
Technology grant program reports
–Barriers to AP (advanced placement) online content, 5:90003

INTERPRETERS
Child care and development program hearings, 5:18120
Community colleges, disabled student programs and services, 5:56026
Special education services
–Assessments, 5:3023
–Deaf and hearing impaired pupils, certification of interpreters, 5:3051.16
–Nonpublic, nonsectarian school and agency services, 5:3065

INTERSTATE AGREEMENTS
Community colleges, 5:58200-5:58210

INVESTIGATIONS
Schools, complaints, 5:4685

J

JOB TRAINING COORDINATING COUNCIL
Performance-based accountability (PBA) system, 5:19600-5:19601

JUNIOR HIGH SCHOOLS
See SECONDARY SCHOOLS

L

LABORATORIES
Community colleges
–Future assignable space, 5:57028
–Occupancy standards, 5:57024
–Utilization standards, 5:57022
School building construction, 5:14030

LANDSCAPE ARCHITECTS
University undergraduate degree programs, 5:40507

LANGUAGE REQUIREMENTS
High school exit examination
–English learners, 5:1216, 5:1217.5
Immigrant children
–English language development test, 5:11510-5:11517.5
–English language education, 5:11300-5:11305
Schools
–English language development test, 5:11510-5:11517.5
–English language education, 5:11300-5:11305
–Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
–Vocational and non-degree granting schools
See POSTSECONDARY SCHOOLS, PRIVATE
Universities and colleges
–English language examinations
See UNIVERSITIES AND COLLEGES, STATE, subheading: Examinations
–Graduation requirements, 5:40406

LAYOFFS
State schools for deaf or blind, and diagnostic centers, 5:17640-5:17642

LEGISLATURE, STATE
Library services, 5:20050

LEROY GREENE CALIFORNIA ASSESSMENT OF ACADEMIC ACHIEVEMENT PROGRAM, 5:800-5:802

LIABILITY INSURANCE
Community college nursing programs in hospitals, 5:55304

LIBRARIES, 5:20000-5:20444
Advisory boards, 5:20145
Audits
–Construction and renovation grants, 5:20422
–Interlibrary loans, 5:20265
Blind persons, services for, 5:20400
Budgets
–California Library Service Act, participation, 5:20135
–Construction and renovation grants, 5:20418
California Library Services Act, participation, 5:20100-5:20107
–Access to bibliographic and location data, 5:20101
–Administrative council, 5:20140
–Administrative policy manual, 5:20136
–Advisory boards, 5:20145
–Affiliations, 5:20190
–Applicability of regulations, 5:20100
––Direct loans, 5:20200
––Interlibrary loans, 5:20251
–Audits, interlibrary loans, 5:20265
–Authorization, 5:20105
–Budget, 5:20105, 5:20135
–Certification, 5:20105
–Change of system membership, 5:20195
–Consolidations
––Public libraries, 5:20180
––Systems, 5:20185
–Cooperative library systems, 5:20140
–Definitions, 5:20107
––Records and reports, 5:20235
––Reference services, 5:20150
–Direct loans, 5:20200-5:20217

LIBRARIES–*continued*
California Library Services Act, participation–*continued*
–Direct loans–*continued*
––Contract services, 5:20210
––Identification of borrowers, 5:20206
––Nonresident borrowers, 5:20204, 5:20205, 5:20211
–––Reimbursements, 5:20215-5:20217
––Reimbursements for loans to nonresidents, 5:20215-5:20217
––Residency, determination, 5:20203
––Scope of regulations, 5:20200
––Service standards, maintenance, 5:20211
––Transaction reporting, 5:20101
–Eligibility, 5:20104
––Interlibrary loans, 5:20255
–Fees and costs, 5:20105, 5:20210
––Interlibrary loans, 5:20265
––Nonresident borrowers, 5:20204
–Filing date, waiver, 5:20103
–Funding, 5:20101, 5:20104
––Affiliations, 5:20190
––Award, 5:20106
––Budget, 5:20105, 5:20135
––Change of system membership, effect, 5:20195
––Consolidations
–––Public libraries, 5:20180
–––Systems, 5:20185
––Eligibility, 5:20104
––Interlibrary loan reimbursements, 5:20257, 5:20260
––Nonresident loan reimbursements, 5:20215-5:20217
––Records and reports, 5:20105
––Reference services, 5:20158
––Use of funds, 5:20101
––Withdrawal from system membership, effect, 5:20192
–Interlibrary loans, 5:20251-5:20265
––Applicability of regulations, 5:20251
––Audits, 5:20265
––Eligibility, 5:20255
––Fees, 5:20265
––Intent of legislation, 5:20252
––Participation requirements, 5:20265
––Records and reports, 5:20265
––Reimbursements, 5:20257, 5:20260
––Scope of regulations, 5:20251
–Notice
––Change of system membership, 5:20195
––Withdrawal from system membership, 5:20192
–Plan of service, 5:20135
–Records and reports
––Annual report, 5:20135
––Definitions, 5:20235
––Financial, 5:20105
––Interlibrary loans, 5:20265
––Reimbursements for loans to nonresidents, 5:20216
–Reference services, 5:20150-5:20158
––Components, 5:20154-5:20157
––Definitions, 5:20150
––Funding, 5:20158
––Improvement of services
–––General, 5:20155
–––Underserved population, 5:20156
––Integrated program, 5:20152
––Interlibrary reference, 5:20157
––Local flexibility, 5:20151
––Principles, 5:20153
–Reimbursements
––Interlibrary loans, 5:20257, 5:20260
––Nonresident loans, 5:20215-5:20217
–Scope of regulations, 5:20100
––Direct loans, 5:20200
––Interlibrary loans, 5:20251
–State board procedures
See LIBRARY, STATE, subheading: Board
–Waiver of filing date, 5:20103
–Withdrawal from system membership, 5:20192
Community colleges
See COMMUNITY COLLEGES
Construction and renovation grants, 5:20410-5:20426

LIBRARIES–*continued*
Construction and renovation grants–*continued*
–Acquisition of site, 5:20414
–Application for, 5:20420
–Appraisals, 5:20416
–Architects, 5:20414
––Conceptual plans, 5:20418
––Cost estimates, 5:20418
––Plans credit, 5:20416
–Art works allowance, 5:20414
–Audits, 5:20422
–Bids, advertisement, 5:20420
–Bond Act of 2000 funds, 5:20430-5:20444
––Applications, 5:20440
–––Building program, 5:20440 Appx. 5
–––Form, 5:20440 Appx. 1
–––Joint use cooperative agreements, 5:20440 Appx. 2
–––Needs assessment, content, 5:20440 Appx. 3
–––Plan of service, 5:20440 Appx. 4
–––Site lease and lease-purchase agreements, 5:20440 Appx. 6
–––Submission, 5:20442
––Award of grants, 5:20442
––CEQA requirements, 5:20438
––Compliance review, 5:20444
––Costs of projects, 5:20436
––Definitions, 5:20430
––Funding priorities, 5:20434
––Purposes of grants, 5:20432
––Site requirements, 5:20438
––State payments, 5:20444
––Title requirements, 5:20438
–Budget, 5:20418
–Certification of applications, 5:20420
–Changes in project, 5:20426
–Conversion of existing building, 5:20414
–Deadline for applications, 5:20420
–Definitions, 5:20410
–Design professionals, 5:20414
–Eligibility, 5:20412
–Engineers, 5:20414
–Excessive costs, 5:20418
–Formal application, 5:20420
–Furnishings credit, 5:20416
–Ineligible purposes, 5:20414
–Land credit, 5:20416
–Land ownership, 5:20414
–Marketable record title, 5:20424
–Matching funds, 5:20416, 5:20420
–Multipurpose buildings, 5:20414
–New construction costs, 5:20418
–Nonapplicant operating library, 5:20424
–Normal costs, 5:20418
–Number of applications permitted, 5:20420
–Outline of requirements, 5:20420
–Payments by state, 5:20422
–Prefabricated or existing building allowance, 5:20414
–Preliminary application, 5:20420
–Purpose, 5:20414, 5:20424
–Remodeling, 5:20414
––Costs, 5:20418
–Resolution to operate facility as public library, 5:20424
–Site acquisition, 5:20414
–Withdrawal of applications, 5:20420
–Withdrawal of grant, 5:20426
Cooperative library systems, 5:20140
Definitions
–California Library Services Act, participation, 5:20107
––Records and reports, 5:20235
––Reference services, 5:20150
–Construction and renovation projects, 5:20410
–Reading and literacy improvement and public library construction and renovation bond act, 5:20430
–School libraries, 5:16040
Electronic access
–Library of California regional library networks, 5:20326
Funding
–Blind persons, services for, 5:20400
LIBRARIES–*continued*
Funding–*continued*
–California Library Services Act
See California Library Services Act, participation, this heading
–Construction and renovation grants
See Construction and renovation grants, this heading
–Handicapped persons, services for, 5:20400
Handicapped persons, services for, 5:20400
Interlibrary loans
–California Library Services Act
See California Library Services Act, participation, this heading
–Library of California, 5:20322
–State library, 5:20020, 5:20021
Library of California, 5:20300-5:20332
See also LIBRARY, STATE
Notice, California Library Service Act participants
–Change of system membership, 5:20195
–Withdrawal from system membership, 5:20192
Postsecondary schools, private
–Degree granting schools, 5:71740
––Application information, 5:71270
–Out-of-state regionally accredited degree granting schools, 5:72740
––Application information, 5:72270
–Vocational and non-degree granting schools, application information, 5:73290
Preservation of materials
–Library of California, 5:20332
Records and reports
–California Library Services Act
See California Library Services Act, participation, this heading
Reference services
–California Library
See California Library Services Act, participation, this heading
–Library of California program, 5:20329, 5:20330
Regional
–Blind persons, services for, 5:20400
–Handicapped persons, services for, 5:20400
Regional library networks
–Electronic access, 5:20326
–Eligibility, 5:20311-5:20315
–Powers of Library of California Board, 5:20303
Renovation grants
See Construction and renovation grants, this heading
Schools and school districts, 5:16040-5:16043
–Contents, 5:16041
–Coordination of services, 5:17320-5:17322
–Definitions, 5:16040
–District superintendents, duties, 5:5580
–Fees and costs, 5:16042
–Funding
––Librarian's salary, 5:11230-5:11237
–Interlibrary loans, state library, 5:20020, 5:20021
–Librarian, funding for salary, 5:11230-5:11237
–Media service teacher, credentials, 5:80053
––Emergency permits, 5:80024.6
–Personnel, duties, 5:16043
–Purchases, 5:17292
–Records, maintenance, 5:5580
–Services, 5:16042
State
See LIBRARY, STATE
Universities and colleges, state, 5:41702

LIBRARY, STATE, 5:20000-5:20444
Access to board records, 5:20134
–Library of California Board, 5:20310
Board, 5:20116-5:20134
–Advisory bodies, meetings, 5:20120
–Committees, meetings, 5:20120
–Hearings, 5:20130, 5:20131
–Library of California, 5:20303-5:20310
–Meetings, 5:20118-5:20127
––Advisory bodies, 5:20120
––Agenda, 5:20124
–––Emergency meetings, 5:20123
––Committees, 5:20120
––Emergency meetings, 5:20123
––Notice, 5:20118, 5:20119, 5:20122
LIBRARY, STATE–*continued*
Board–*continued*
–Meetings–*continued*
––Open meetings, 5:20120, 5:20121
––Regular, 5:20118
––Robert's Rules of Order, applicability, 5:20127
––Speakers, 5:20125
––Special, 5:20122
–Officers, 5:20116
–Quorum, 5:20117
–Records and reports, inspection, 5:20134
California Library Services Act, implementation
See LIBRARIES
Construction and renovation projects
See LIBRARIES
Definitions
–Library of California, 5:20302
Destruction of materials by users, 5:20004
Fees for photostatic copies, 5:20003
Hearings of board, 5:20130, 5:20131
–Library of California Board, 5:20309
Interlibrary loans, 5:20020, 5:20021
–Library of California, 5:20322
Librarian, service as board officer, 5:20116
Library of California, 5:20300-5:20332
–Bibliographic records and location information, 5:20328
–Board, 5:20303-5:20310
––Hearings, 5:20309
––Inspection of records, 5:20310
––Meetings, 5:20306
––Officers, 5:20304
––Regional library networks, powers, 5:20303
––Robert's Rules of Order, 5:20308
––Speakers, 5:20307
–Borrowing privileges of users, reimbursement of networks, 5:20324
–Cooperative acquisition and utilization of library resources, 5:20331
–Definitions, 5:20302
–Direct loans, 5:20324, 5:20325
–Electronic access, 5:20326
–Funding, 5:20301
–Interlibrary loans, 5:20322
–Patron referral, 5:20323
–Preservation of materials, 5:20332
–Reference and information services, 5:20329, 5:20330
–Regional library networks
––Administration, 5:20321
––Affiliation of institution or public library, 5:20313
––Annual and long-range plans, 5:20320
––Appeal of membership eligibility policies or actions, 5:20315
––Approval by Board, 5:20316
––Board powers, 5:20303
––Consolidation, 5:20317
––Continuation of membership, 5:20311
––Division into two or more networks, 5:20319
––Eligibility, 5:20311-5:20315
––Geographic boundaries, 5:20316
––Realignment of boundaries, 5:20318
––Sharing of resources, 5:20312
––Withdrawal, 5:20314
–Scope of provisions, 5:20300
–Telecommunications infrastructure, 5:20327
–Uncommon and exceptional onsite services and resources, reimbursement, 5:20323
Loan of materials, 5:20020-5:20050
–Direct loans, 5:20050
–Interlibrary, 5:20020, 5:20021
–Period, 5:20000
Notice
–Board hearings, 5:20130, 5:20131
–Board meetings, 5:20118, 5:20119, 5:20122
––Library of California Board, 5:20306
Photostatic copies, fees, 5:20003
Records and reports
–Copies, obtaining, 5:20134
–Inspection, 5:20134
–Library of California
––Board records, inspection, 5:20310
Use of materials on premise, 5:20004

LICENSING
Community college credentials
See COMMUNITY COLLEGES, subheading: Credentials
Exam preparation schools or programs, 5:18816-5:18818
Postsecondary school agents, 5:18822
–Automatic termination, 5:18828
–Denial, revocation, or suspension, 5:18826
––Hearings, 5:18827

LIGHTING
School building construction, 5:14030

LOANS
National Guard, assumption of school loans, 5:30710-5:30718
Nurses in state facilities, assumption of school loans, 5:30920-5:30927
Nursing faculty, assumption of school loans, 5:30910-5:30917

LOITERING
School reporting requirements, 5:700-5:705

LOST OR STOLEN ITEMS
Universities and colleges, state
–Care, restitution, sale, or destruction, 5:42375
–Proceeds of sale, 5:42376

M

MARITAL STATUS DISCRIMINATION
School pupils, 5:4950

MARITIME ACADEMY, 5:40055-5:40060
Admission requirements, 5:40057
Board of Visitors, authority, 5:40056
Degree requirements, 5:40057
Federal Maritime Administration affiliation, 5:40056
Purpose and intent, 5:40055
Special provisions, 5:40060
Student conduct, 5:40059

MARRIAGE, FAMILY, AND CHILD COUNSELORS
Special education services
–Nonpublic, nonsectarian school and agency services, 5:3065

MASSAGE
Training schools, approval or authorization, 5:18818

MEDIATION AND MEDIATORS
Special education complaint procedures, 5:3086

MILITARY SERVICE
Community college courses, 5:55303
Community college students
–Military withdrawal, 5:58508
–Residence classification
––Dependent, 5:54041, 5:54050
––Member of military, 5:54042, 5:54050
High school credits for, 5:1634
–Diploma, time of granting, 5:1651
National Guard, assumption of school loans, 5:30710-5:30718
Preschool program enrollment, exceptions to calculation of income, 5:18134
Universities and colleges, state
–Employees, leaves of absence, 5:43095
–Students, nonresident classification exception, 5:41906

MILLER-UNRUH BASIC READING ACT OF 1965
Reading instruction program
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Reading instruction

MINORITY-OWNED BUSINESSES
Community college contracts, 5:59500-5:59508
State universities and colleges, professional bond services, 5:43880-5:43884

MONITORING
American Indian Education Center grants, 5:11996.8

MOTOR CARRIER DRIVERS
Instructor certificate cancellation, suspension or revocation; hearings, 5:14104
Truck driving schools, application for approval to operate, 5:73480

MOTORIZED BICYCLES
University and college campuses, on, 5:42353.1

MOTOR VEHICLE INSURANCE
Schools and school districts, 5:17305, 5:17306

MUSICIANS
University undergraduate degree programs, 5:40506
–Admissions, 5:40905

N

NATIONAL GUARD
School loans, assumption of, 5:30710-5:30718

NATIONAL SCHOOL LUNCH ACT
School lunch and breakfast programs
See SCHOOLS AND SCHOOL DISTRICTS

NO CHILD LEFT BEHIND
Supplemental services providers, 5:13075-5:13075.4
–Annual reports, 5:13075.3
–Applicability of rules, 5:13075
–Applications, 5:13075.2
–Approval, 5:13075.2
–Definitions, 5:13075.1
–Qualifications, 5:13075.2
–Termination as approved provider, 5:13075.4
Teacher requirements, 5:6100-5:6126

NONRESIDENTS
School tuition, 5:15000
–Military reservation residents, emergency allowance, 5:17273
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

NOTICE
Adult education, complaint procedures
–State procedures, 5:4640
–Uniform procedures, 5:4622
Community colleges
See COMMUNITY COLLEGES
Library of California
–Board meetings, 5:20306
–Joint notice of intent to consolidate, 5:20317
–Joint notice of intent to realign, 5:20318
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
School building construction
–Site selection, 5:14011
Schools
See SCHOOLS AND SCHOOL DISTRICTS
Special education
See SPECIAL EDUCATION
State schools for the deaf, blind, or neurologically handicapped
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Teachers' retirement system
–Appeals, 5:20520
–Election of board members, 5:24001
––Results, 5:24006
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

NURSERY SCHOOLS
See SCHOOLS AND SCHOOL DISTRICTS

NURSES AND NURSING
Community college courses in hospitals, 5:55304
School loans, assumption of
–Nurses in state facilities, 5:30920-5:30927
–Nursing faculty, for, 5:30910-5:30917

NURSES AND NURSING–*continued*
Special education programs, 5:3051.12
–Nonpublic, nonsectarian school and agency services, 5:3065

NUTRITION
Child care and development programs, 5:18278
School programs
See SCHOOLS AND SCHOOL DISTRICTS

O

OCCUPATIONAL THERAPY
Special education programs, 5:3051.6
–Nonpublic, nonsectarian school and agency services, 5:3065

OCCUPATIONAL TRAINING
See VOCATIONAL EDUCATION

OPTOMETRISTS
School services, credentials, 5:80051, 5:80052

P

PARKING
Community colleges
–Handicapped students, 5:54100, 5:56026
Handicapped persons
–Community colleges, 5:54100, 5:56026, 5:59306
–Universities and colleges, state, 5:42200
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE

PARKS AND RECREATION
Community college facility construction, coordination of planning, 5:57013

PAROCHIAL SCHOOLS
See generally PRIVATE SCHOOLS

PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM
See TEACHERS

PENALTIES
Student aid violations, 5:30308

PENSION SYSTEMS
Teachers
See TEACHERS' RETIREMENT SYSTEM
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Employees

PERSONAL INJURIES
School pupil, by; suspension or expulsion, 5:305

PHYSICAL EXAMINATIONS
Teachers, pre-employment examination, 5:5504
–Compensatory education aides, 5:12066
–Retired persons, 5:5502, 5:5503
University and college students, admission requirements, 5:41200, 5:41200.1

PHYSICAL THERAPISTS
Special education programs, 5:3051.6
–Nonpublic, nonsectarian school and agency services, 5:3065

PHYSICIANS
School services, credentials, 5:80051, 5:80052

PILOT PROGRAMS
Fruits and vegetables consumption by children, California Fresh Start program, 5:15566-5:15568

PLUMBERS AND PLUMBING
School building construction, 5:14030

POLIOMYELITIS
County hospitals, adult education programs, 5:10560

POLYTECHNIC STATE UNIVERSITIES
See also UNIVERSITIES AND COLLEGES, STATE
Special emphases, 5:40051

POSTSECONDARY SCHOOLS, PRIVATE, 5:18800-5:18840, 5:70000-5:76240
Abandonment of applications, 5:74180
Access to information
-Degree granting schools, 5:71930
-Out-of-state regionally accredited degree granting schools, 5:72930
Accreditation, advertising, 5:18804
Administration, 5:70000-5:70030
-Degree granting schools, 5:71730
-Out-of-state regionally accredited degree granting schools, 5:72730
Administrators
-Definition, 5:18800
-Licensing or certification exam preparation programs, 5:18817
Admissions
-Degree granting schools
--Enrollment agreements, 5:71800
--Statement of policy, 5:71770
-Out-of-state regionally accredited degree granting schools, 5:72770
-Vocational and non-degree granting schools, application information, 5:73220
Advertising, 5:18804
-Degree granting schools, application information, 5:71200
-Out-of-state regionally accredited degree granting schools, 5:72200
-Retention of advertising copy, 5:74140
-Vocational and non-degree granting schools, application information, 5:73190
Affiliations, 5:18803
Agency authorization, 5:75100-5:75130
-Application, 5:75110, 5:75120
-Bureau decision, 5:75120
-Fees, 5:74016
-Required, 5:75100
-Surrender, 5:74160
-Term of authorization, 5:75130
Agents for service of process, notice of change, 5:74190
Agent's permit, 5:18822, 5:75000-5:75040
-Application, 5:75020, 5:75030
-Automatic termination, 5:18828
-Bureau decision, 5:75030
-Denial, revocation, or suspension, 5:18826
--Hearings, 5:18827
-Fees, 5:74016
-Required, 5:75000
-Surrender, 5:74160
-Term of permit, 5:75040
Applicability of regulations, 5:70010
-Degree granting schools, 5:71010
-Out-of-state regionally accredited degree granting schools, 5:72010
-Vocational and non-degree granting schools, 5:73010
Approval or authorization, 5:18808-5:18811
See also Agency authorization, this heading
-Abandonment of application, 5:74180
-Advertising, 5:18804
-Appeals, 5:18809
-Application for, 5:18809
-Automatic termination, 5:18828
-Consent to inspection, 5:18811
-Degree granting schools, 5:71100-5:71420
-Denial, revocation, or suspension, 5:18825
--Hearings, 5:18827
-Evaluation standards, 5:18814
-Fees, 5:18810
--Failure to pay, 5:18828
-Licensing or certification exam preparation programs, 5:18816-5:18818
-Locations requiring, 5:18808
-Massage instruction, 5:18818
-Out-of-state regionally accredited degree granting schools, 5:72101-5:72420
-Probation, 5:74100

POSTSECONDARY SCHOOLS, PRIVATE—*continued*
Approval or authorization—*continued*
-Surrender of approval, 5:74160
-Suspension or revocation
--Rehabilitation criteria, 5:74130
--Stipulations, 5:74170
-Temporary approval to operate, 5:74300-5:74320
-Time requirements, 5:18809
-Vocational and non-degree granting schools, 5:73100-5:73540
Authorization of agency
See Agency authorization, this heading
Authorization of institution
See Approval or authorization, this heading
Cancellation of enrollment, refund of tuition, 5:18805
Change of ownership or control, 5:74020-5:74050
-Application for change, 5:74030
-Completing of application, 5:74040
-Definitions, 5:74020
-Processing time, 5:74050
Closure, 5:74200
-Termination of approval or authorization, 5:18828
-Tuition recovery fund assessments, disposition, 5:18834
Communications with council, 5:70020
Complaints
-Vocational and non-degree granting schools, student complaint procedures, 5:73770
--Logs, 5:73870
Control
See Ownership and control, this heading
Correspondence instruction
-Degree granting schools, 5:71830
-Instructional materials, time requirement for sending to student, 5:18805
-Massage instruction, 5:18818
-Out-of-state regionally accredited degree granting schools, 5:72830
-Refund of tuition and fees, 5:18805
Cosmetology school catalog, 5:73760
Council on private postsecondary and vocational education
-Administration, 5:70000-5:70030
-Communications with council, 5:70020
-Delegation of functions to director, 5:70030
Credit transfer from affiliated institution, 5:18803
Curriculum
-Degree granting schools, 5:71710
--Application information, 5:71210
--"Course of study" requirements, 5:71005
--Definitions, 5:71000
--Emerging fields of study, 5:71490
-Evaluation standards, 5:18814
-Out-of-state regionally accredited degree granting schools, 5:72005, 5:72710
--Application information, 5:72210
--Definition, 5:72000
-Vocational and non-degree granting schools, 5:73880
--Application information, 5:73200
Custodian of records, 5:18802
-Degree granting schools, 5:71310
-Vocational and non-degree granting schools, application information, 5:73310
Definitions, 5:18800, 5:70000
-Degree granting schools, 5:71000
-Out-of-state regionally accredited degree granting schools, 5:72000
-Tuition recovery fund, 5:18831, 5:76000
--Special assessments, 5:76230
-Vocational and non-degree granting schools, 5:73000
Degree granting schools, 5:71000-5:71930
-Academic achievement standards, 5:71775
-Access to information, 5:71930
-Addition of location, 5:71550-5:71565
--Application, 5:71550, 5:71555
--Approval criteria and procedure, 5:71565
--Processing application, 5:71560
-Administration, 5:71730
-Admissions
--Enrollment agreements, 5:71800

POSTSECONDARY SCHOOLS, PRIVATE—*continued*
Degree granting schools—*continued*
-Admissions—*continued*
--Statement of policy, 5:71770
-Advertising, application information, 5:71200
-Applicability of regulations, 5:71010
-Application for approval to operate, 5:71100-5:71420
--Additional information, 5:71340
--Advertising and other public statements, 5:71200
--Catalog copy, 5:71290
--Certification of compliance, 5:71370, 5:71380
--Change in circumstances, reporting, 5:71405
--Completed application, notice of filing, 5:71400
--Custodian of records, 5:71310
--Degrees offered, 5:71210
--Duration of approval, 5:71415
--Educational services, description, 5:71220
--Existing schools, 5:71420
--Expiration of approval, 5:71415
--Facilities and equipment, 5:71260
--Faculty, 5:71250
--Financial aid policies and practices, 5:71190
--Financial reports, 5:71240
--Form, 5:71100
--Form of business organization, 5:71120
--Governing board, 5:71150
--Graduation document, 5:71300
--Hearing on incomplete application, 5:71410
--Incomplete application, notice of deficiencies and hearing, 5:71400, 5:71410
--Instruction in languages other than English, 5:71230
--Instruction offered, 5:71210
--Libraries, 5:71270
--Mission, purpose, and objectives, 5:71170
--Modification of application, 5:71405
--Name, address and telephone number, 5:71110
--Operational plan, 5:71330
--Organization and management, 5:71140
--Ownership and control of institution, 5:71130
--Processing procedures, 5:71400-5:71415
--Recordkeeping, 5:71310
--Representative of institution, 5:71160
--Schools operating on December 31, 1990, 5:71420
--Signatures and certification, 5:71380
--Specific program or degree, 5:71360
--Student agreement exemplars, 5:71180
--Student services, 5:71280
--Unavailable information, 5:71350
--Violations of law, 5:71130
--Visiting committees, 5:71450-5:71475
-Associate degrees, 5:71855
-Bachelor's degrees, 5:71860
-Branch locations, 5:71650
-Catalog, 5:71810
-Change in location, 5:71500-5:71520
--Application to change location, 5:71500, 5:71505
--Approval, 5:71515
--Emergency application, 5:71520
--Notice to students, 5:71510
-Change of institutional name, 5:71630
-Change of mission, purpose, or objectives, 5:71600-5:71610
--Application for change, 5:71600, 5:71605
--Decision on application, 5:71615
--Processing of application, 5:71610
-Correspondence instruction, 5:71830
-Curriculum, 5:71710
--Application information, 5:71210
--"Course of study" requirements, 5:71005
--Definition, 5:71000
--Emerging fields of study, 5:71490
-Custodian of records, 5:71310
-Definitions, 5:71000
-Degrees
--Application information, 5:71210, 5:71300
--Credits for prior experience, 5:71890
--Graduate, 5:71865-5:71885
--Undergraduate, 5:71850-5:71860
-Doctoral committees, 5:71885

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Degree granting schools–*continued*
–Doctorate degrees, 5:71880
–Enrollment agreements, 5:71800
––Exemplars, application information, 5:71180
–Facilities and equipment, 5:71735
––Application information, 5:71260
–Faculty, 5:71720
––Application information, 5:71250
––Definition, 5:71000
–Fees, institutional, 5:74000
–Financial aid policies and practices, application information, 5:71190
–Financial reports, 5:71905
––Application information, 5:71240
–Financial resources, 5:71745
–Governing board, application information, 5:71150
–Grading system, 5:71775
–Graduate degrees
––Doctoral committees, 5:71885
––Doctorate, 5:71880
––General provisions, 5:71865
––Master's, 5:71870
––Professional doctoral, 5:71875
–Innovative or unique methods of instruction, 5:71495
––Definition, 5:71000
–Inspections by visiting committees, 5:71450-5:71475
–Instruction standards, 5:71715
––Application information, 5:71210
––Correspondence instruction, 5:71830
––Innovative or unique methods of instruction, 5:71495
––Languages other than English, application information, 5:71230
–Libraries, 5:71740
––Application information, 5:71270
–Location
––Additional locations, 5:71550-5:71565
––Branch locations, 5:71650
––Change in location, 5:71500-5:71520
––Satellite locations, 5:71655
–Master's degrees, 5:71870
–Mission, purpose, and objectives
––Application information, 5:71170
––Changing, 5:71600-5:71610
––Definitions, 5:71000
––Written standards and documentation, 5:71705
–Name of institution
––Application information, 5:71110
––Change of name, 5:71630
–Notice of change in location, 5:71510
–Officers, 5:71730
–Onsite visits, 5:71450-5:71475
–Operating standards, 5:71700-5:71740
––Administration, 5:71730
––Applicability of regulations, 5:71700
––Curriculum, 5:71710
––Facilities, 5:71735
––Faculty standards, 5:71720
––Financial resources, 5:71745
––Instruction standards, 5:71715
––Libraries, 5:71740
––Mission, purpose, and objectives, 5:71705
––Owners and managers, 5:71725
–Operational plan, application information, 5:71330
–Organization and management, 5:71725
––Application information, 5:71140
–Out-of-state regionally accredited institutions
See Out-of-state regionally accredited degree granting schools, this heading
–Ownership and control, 5:71725
––Application information, 5:71130
–Permits on file, 5:71910
–Prior experiential learning credit, 5:71890
–Professional doctoral degrees, 5:71875
–Records and reports
––Annual reports, 5:71900
––Application information, 5:71240, 5:71310
––Financial reports, 5:71905
––Permits on file, 5:71910

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Degree granting schools–*continued*
–Records and reports–*continued*
––Retention of records, 5:71930
––Student records, 5:71920
–Refund of tuition and fees, 5:71805
–Representative of institution, application information, 5:71160
–Satellite locations, 5:71655
–Student services, application information, 5:71280
–Tuition and fees, refunds, 5:71805
–Undergraduate degrees
––Bachelor's, 5:71860
––General provisions, 5:71850
–Visiting committees, 5:71450-5:71475
––Challenges to committee member, 5:71455
––Cooperation by schools, 5:71470
––Duties, 5:71465
––Expenses, reimbursement by schools, 5:71475
––Impaneling, 5:71450
––Reports, 5:71465
–Vocational diploma programs, 5:71020
Degrees and diplomas
–Affiliated institutions, 5:18803
–Content, 5:18801
–Definition, 5:18800
–Degree granting schools
––Application information, 5:71210, 5:71300
––Credits for prior experience, 5:71890
––Graduate, 5:71865-5:71885
––Undergraduate, 5:71850-5:71860
–Evaluation standards, 5:18814
–Honorary, 5:18801
–Out-of-state regionally accredited degree granting schools
––Application information, 5:72210, 5:72300
––Graduate degrees, 5:72865-5:72885
––Undergraduate degrees, 5:72850-5:72860
English-as-a-second language instruction, 5:73820-5:73832
–Definitions, 5:73830
–Independent test administration, 5:73820
–Minimum test scores, 5:73831
–Recognition of tests, 5:73832
Evaluation standards, 5:18814
FAA certified flight schools, application information, 5:73470
Facilities and equipment
–Degree granting schools, 5:71735
––Application information, 5:71260
–Evaluation standards, 5:18814
–Out-of-state regionally accredited degree granting schools, 5:72735
––Application information, 5:72260
–Vocational and non-degree granting schools, 5:73710
––Application information, 5:73280
Faculty
See Instructors, this heading
Fees, institutional, 5:74000-5:74018
–Agency authorization, 5:74016
–Agent's permit, 5:74016
–Annual fees, 5:74000, 5:74006
–Approval to operate, 5:11810
––Failure to pay, 5:18828
–Certificate of authorization, 5:74018
–Definitions and references, 5:74002
–Degree granting schools, 5:74000
–Fees payable, 5:74008, 5:74010
–Institutions subject to Section 94931(c)(3), 5:74014
–Penalties for nonpayment, 5:74000
–Schedule of fees provided by Bureau, 5:74004
–Vocational and non-degree granting schools, 5:74010
Fees, student
See Tuition and fees, this heading
Financial reports
–Degree granting schools, 5:71905
––Application information, 5:71240
–Out-of-state regionally accredited degree granting schools, 5:72905
––Application information, 5:72240

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Financial reports–*continued*
–Vocational and non-degree granting schools, 5:73860
––Application information, 5:73260
Financial resources
–Degree granting schools, 5:71745
–Evaluation standards, 5:18814
–Out-of-state regionally accredited degree granting schools, 5:72745
General provisions, 5:74120-5:74200
Hearings on denial, revocation, or suspension of approval, authorization, or agent's permit, 5:18827
Honorary degrees, 5:18801
Inspections
–Consent to, 5:18811
–Degree granting schools, 5:71450-5:71475
–Out-of-state regionally accredited degree granting schools, 5:72450-5:72470
Instructional materials, refund of fees, 5:18805
Instructors
–Definition, 5:18800
–Degree granting schools, 5:71720
––Application information, 5:71250
––Definition, 5:71000
–Evaluation standards, 5:18814
–Licensing or certification exam preparation programs, 5:18817
–Out-of-state regionally accredited degree granting schools, 5:72720
––Application information, 5:72250
––Definition, 5:72000
–Vocational and non-degree granting schools, 5:73720
––Application information, 5:73270
––Certificate of authorization for service, 5:73660-5:73690
––Vacancies, 5:73690
Libraries
–Degree granting schools, 5:71740
––Application information, 5:71270
–Out-of-state regionally accredited degree granting schools, 5:72740
––Application information, 5:72270
–Vocational and non-degree granting schools, application information, 5:73290
Licensing or certification exam preparation programs, 5:18816-5:18818
–Administrators, qualifications, 5:18817
–Approval, 5:18816
–Instructors, qualifications, 5:18817
–Massage instruction, 5:18818
Massage instruction, 5:18818
Name of institution
–Degree granting schools
––Application information, 5:71110
––Change of name, 5:71630
–Out-of-state regionally accredited degree granting schools
––Application information, 5:72110
––Change of name, 5:72570
–Use of term "university," 5:74150
–Vocational and non-degree granting schools
––Application information, 5:73110
––Change of name, 5:73550
Non-degree granting schools
See Vocational and non-degree granting schools, this heading
Notice
–Agents for service of process, notice of change, 5:74190
–Cessation of educational service, 5:74200
–Degree granting schools, change in location, 5:71510
–Temporary approval to operate, 5:74310, 5:74320
–Tuition recovery fund rights, 5:18840
–Vocational and non-degree granting schools, change in location, 5:73620
Out-of-state regionally accredited degree granting schools, 5:72000-5:72930
–Academic achievement standards, 5:72775
–Access to information, 5:72930

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Out-of-state regionally accredited degree granting schools–*continued*
–Addition of location, 5:72550-5:72565
––Application for addition, 5:72550, 5:72555
––Decision on application, 5:72565
––Processing of application, 5:72560
–Administration, 5:72730
–Admissions, 5:72770
–Advertising, application information, 5:72200
–Applicability of regulations, 5:72010
–Application for approval to operate, 5:72101-5:72420
––Additional information, 5:72340
––Address and telephone of institution, 5:72110
––Advertising/public statements disclosure, 5:72200
––Appeals, 5:72410
––Applicability of regulations, 5:72101
––Business entity statement, 5:72120
––Catalog copy, 5:72290
––Changes in circumstance, 5:72405
––Curriculum, 5:72210
––Degree offerings, 5:72210
––Documentation, 5:72101
––Duration of approval, 5:72415
––Educational services, 5:72220
––Extension for institutions operating on December 31, 1990, 5:72420
––Facilities and equipment, 5:72260
––Faculty statement, 5:72250
––Financial aid policies and practices, 5:72190
––Financial reports, 5:72240
––Forms, 5:72105
––Governing board, 5:72150
––Graduation document, 5:72300
––Incomplete applications, 5:72400, 5:72410
––Instruction, 5:72210
––Judicial violations disclosure statement, 5:72130
––Languages other than English, instructional programs, 5:72230
––Legal representative, 5:72160
––Libraries and other learning resources, 5:72270
––Mission, purpose, and objectives, 5:72170
––Modification of application, 5:72405
––Name of institution, 5:72110
––Operational plan, 5:72330
––Organization and management statement, 5:72140
––Ownership and control statement, 5:72130
––Processing procedures, 5:72400
––Recordkeeping methods statement, 5:72310
––Signature and certification, 5:72380
––Specific program approval, 5:72360
––Student agreements and indebtedness, exemplars, 5:72180
––Student services, 5:72280
–Associate degree, 5:72855
–Bachelor's degree, 5:72860
–Branch locations, 5:72650
–Catalog, 5:72810
––Application information, 5:72290
–Change of location, 5:72500-5:72520
––Application for change, 5:72500, 5:72505
––Approval, 5:72515
––Emergency application, 5:72520
–Change of mission, purpose, and objectives, 5:72600-5:72615
––Application for change, 5:72600, 5:72605
––Decision on application, 5:72615
––Processing of application, 5:72610
–Correspondence instruction, 5:72830
–Credit for prior experiential learning, 5:72890
–Curriculum, 5:72005, 5:72710
––Application information, 5:72210
––Definition, 5:72000
–Definitions, 5:72000
–Degrees
––Application information, 5:72210, 5:72300
––Graduate degrees, 5:72865-5:72885
––Undergraduate degrees, 5:72850-5:72860
–Doctoral committees, 5:72885
–Doctorate degrees, 5:72880

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Out-of-state regionally accredited degree granting schools–*continued*
–Educational services, application information, 5:72220
–Enrollment agreements, 5:72800
––Application information, 5:72180
–Experiential learning credits, 5:72890
–Facilities and equipment, 5:72735
––Application information, 5:72260
–Faculty, 5:72720
––Application information, 5:72250
––Definition, 5:72000
–Financial aid policies and practices, application information, 5:72190
–Financial reports, 5:72905
––Application information, 5:72240
–Financial resources, 5:72745
–Governing board, application information, 5:72150
–Grading system, 5:72775
–Graduate degree programs
––Doctoral committees, 5:72885
––Doctorate degree, 5:72880
––General provisions, 5:72865
––Master's degree, 5:72870
––Professional doctoral degree, 5:72875
–Instruction, 5:72715
––Application information, 5:72210
––Languages other than English, application information, 5:72230
–Legal representative, application information, 5:72160
–Libraries, 5:72740
––Application information, 5:72270
–Location
––Addition of location, 5:72550-5:72565
––Branch locations, 5:72650
––Change of location, 5:72500-5:72520
––Satellite locations, 5:72655
–Master's degree, 5:72870
–Mission, purpose, and objectives, 5:72705
––Application information, 5:72170
––Change, 5:72600-5:72615
––Definitions, 5:72000
–Name of institution
––Application information, 5:72110
––Change of name, 5:72570
–Officers, 5:72730
–Operational plan, application information, 5:72330
–Operational standards
––Administration, 5:72730
––Applicability, 5:72701
––Curriculum, 5:72710
––Facilities, 5:72735
––Faculty, 5:72720
––Financial resources, 5:72745
––Instruction, 5:72715
––Library and other learning resources, 5:72740
––Mission, purposes, and objectives, 5:72705
––Ownership and management, 5:72725
–Organization and management, 5:72725
––Application information, 5:72140
–Ownership and control, 5:72725
––Application information, 5:72130
–Permits on file, 5:72915
–Professional doctoral degrees, 5:72875
–Records and reports, 5:72900-5:72930
––Annual report, 5:72900
––Application information, 5:72240, 5:72310
––Financial reports, 5:72905
––Maintenance of records, 5:72910, 5:72930
––Permits on file, 5:72915
––Student records, 5:72920
–Refunds, 5:72805
–Satellite locations, 5:72655
–Student records, 5:72920
–Student services, application information, 5:72280
–Tuition and fees, 5:72800
––Definitions, 5:72000
––Refunds, 5:72805
–Undergraduate degree programs
––Associate degree, 5:72855

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Out-of-state regionally accredited degree granting schools–*continued*
–Undergraduate degree programs–*continued*
––Bachelor's degree, 5:72860
––General requirements, 5:72850
–Visiting committees, 5:72450-5:72470
––Appeals and objections, 5:72455
––Cooperation of institution, 5:72470
––Duties, 5:72460
––Purpose, 5:72450
––Reporting requirements, 5:72465
–Vocational diploma programs, 5:72020
Ownership and control
–Change of ownership or control, 5:74020-5:74050
–Degree granting schools, 5:71725
––Application information, 5:71130
–Out-of-state regionally accredited degree granting schools, 5:72725
––Application information, 5:72130
–Vocational and non-degree granting schools, 5:73740
––Application information, 5:73130
Probation, 5:74100
–Stipulations, 5:74170
Records and reports
–Advertising copy, retention, 5:74140
–Custodian, 5:18802
–Degree granting schools
––Annual reports, 5:71900
––Application information, 5:71240, 5:71310
––Financial reports, 5:71905
––Permits on file, 5:71910
––Retention of records, 5:71930
––Student records, 5:71920
–Massage instruction programs, 5:18818
–Out-of-state regionally accredited degree granting schools, 5:72900-5:72930
––Annual report, 5:72900
––Application information, 5:72240, 5:72310
––Financial reports, 5:72905
––Maintenance of records, 5:72910, 5:72930
––Permits on file, 5:72915
––Student records, 5:72920
–Student records, 5:71920
––Retention, 5:18802
–Transcripts, 5:18815
–Vocational and non-degree granting schools, 5:73850-5:73910
––Annual report, 5:73850
––Application information, 5:73310
––Course syllabus, 5:73880
––Financial reports, 5:73860
––Logs, 5:73870
––Maintenance of records, 5:73910
––Permits on file, 5:73890
––Student records, 5:73900
Refund of tuition and fees, 5:18805, 5:18836-5:18838
–Degree granting schools, 5:71805
–Vocational and non-degree granting schools, 5:73800
Regionally accredited institutions, out-of-state
See Out-of-state regionally accredited degree granting schools, this heading
Registration fees, 5:18805
Rehabilitation criteria, 5:74130
Service of process, notice of change of agent, 5:74190
Substantial relationship criteria, 5:74120
Surrender of approval, 5:74160
Temporary approval to operate, 5:74300-5:74320
–Duration, 5:74300
–Notice, 5:74310, 5:74320
Transcripts, 5:18815
Truck driving schools, application information, 5:73480
Tuition and fees
–Degree granting schools, refunds, 5:71805
–Out-of-state regionally accredited degree granting schools, 5:72800
––Definitions, 5:72000
––Refunds, 5:72805

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Tuition and fees–*continued*
–Recovery fund, 5:18831-5:18840, 5:76000-5:76240
––Alternative fund, 5:18839
––Assessments, 5:18832-5:18835, 5:76120-5:76130
–––Determination, 5:18833
–––Due date, 5:18834
–––Institutions subject to, 5:18832
–––Maximum, 5:18835
––Definitions, 5:18831, 5:76000
––Exemption from, 5:18839
––Notice to enrollee, 5:18840
––Payments from fund, 5:76200-5:76215
––Refunds, 5:18836-5:18838
––Teach-out plan, 5:76010
–Refunds, 5:18805, 5:18836-5:18838
––Degree granting schools, 5:71805
––Out-of-state regionally accredited degree granting schools, 5:72805
––Vocational and non-degree granting schools, 5:73800
–Vocational and non-degree granting schools, refunds, 5:73800
"University," use of term, 5:74150
Violations
–Probation, 5:74100
–Rehabilitation criteria, 5:74130
–Stipulations, 5:74170
–Substantial relationship criteria, 5:74120
Vocational and non-degree granting schools
–Administrators, certificate of authorization for service, 5:73660-5:73690
–Admission requirements, application information, 5:73220
–Advertising, application information, 5:73190
–Applicability of regulations, 5:73010
–Application for approval to operate, 5:73100-5:73540
––Additional information, 5:73390
––Address and telephone number of institution, 5:73110
––Admission requirements, 5:73220
––Advertising and other public statements, 5:73190
––Catalog copy, 5:73320
––Certification of compliance, 5:73430, 5:73440
––Change in circumstances, 5:73520
––Custodian of records, 5:73310
––Duration of approval to operate, 5:73540
––Educational services, 5:73210
––Enrollment agreements, exemplars, 5:73170
––Entrance tests, 5:73360
––Exemption claim, 5:73350
––FAA certified flight schools, 5:73470
––Facilities and equipment, 5:73280
––Financial aid policies and practices, 5:73180
––Financial reports, 5:73260
––Form, 5:73100
––Form of business organization, 5:73120
––Governing board, 5:73150
––Incomplete applications, 5:73500
––Instruction in languages other than English, 5:73230
––Instruction offered, 5:73200
––Instruction to non-English speaking students, 5:73240
––Instructors, 5:73270
––Job placement assistance, 5:73330
––Length of approval to operate, 5:73540
––Libraries, 5:73290
––Modification of application, 5:73520
––Name of institution, 5:73110
––Operational plan, 5:73380
––Organization and management, 5:73140
––Ownership and control, 5:73130
––Priority of review, 5:73530
––Processing of applications, 5:73500-5:73540
––Recordkeeping, 5:73310
––Representative of institution, 5:73165
––Self-monitoring procedures, 5:73340
––Signatures and certification, 5:73440
––Specific program approval, 5:73410
––Student progress, review and notification, 5:73160

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Vocational and non-degree granting schools–*continued*
–Application for approval to operate–*continued*
––Student records, 5:73420
––Student services, 5:73300
––Truck driving schools, 5:73480
––Unavailable information, 5:73400
––Violations of law, 5:73130
––Written disclosures, 5:73170
–Catalog, 5:73750
––Application information, 5:73320
––Cosmetology school catalog, 5:73760
–Certificate of authorization for service, 5:73660-5:73690
––Applicability of regulations, 5:73660
––Application for certificate, 5:73670
––Bureau review and decision, 5:73680
––Instructional staff vacancies, 5:73690
–Change in location, 5:73600-5:73650
––Application to change location, 5:73600, 5:73610
––Approval to change, 5:73630, 5:73640
––Emergency application, 5:73650
––Notice to students, 5:73620
–Change of institutional name, 5:73550
–Cosmetology school catalog, 5:73760
–Curriculum, 5:73880
––Application information, 5:73200
–Definitions, 5:73000
–Diploma, 5:73780
–Directors, 5:73740
–Disclosure requirements, 5:73790
–Documents of completion, 5:73780
–Educational objectives, 5:73700
–Educational services, application information, 5:73210
–English-as-a-second language instruction, 5:73820-5:73832
––Definitions, 5:73830
––Independent test administration, 5:73820
––Minimum test scores, 5:73831
––Recognition of tests, 5:73832
–Enrollment agreements, application information, 5:73170
–Entrance tests, application information, 5:73360
–Exemption claim, 5:73350
–FAA certified flight schools, application information, 5:73470
–Facilities and equipment, 5:73710
––Application information, 5:73280
–Fees, institutional, 5:74010
–Financial aid
––Administrators, 5:73730
––Policies and practices, application information, 5:73180
–Financial reports, 5:73860
––Application information, 5:73260
–Governing board, application information, 5:73150
–Instruction, 5:73700
––Application information, 5:73200
––Languages other than English, application information, 5:73230
––Non-English speaking students, application information, 5:73240
–Instructors, 5:73720
––Application information, 5:73270
––Certificate of authorization for service, 5:73660-5:73690
––Vacancies, 5:73690
–Job placement assistance, application information, 5:73330
–Libraries, application information, 5:73290
–Location, change, 5:73600-5:73650
–Name of institution
––Application information, 5:73110
––Change of name, 5:73550
–Notice of change in location, 5:73620
–Officers, 5:73740
–Operating standards, 5:73700-5:73740
––Educational objectives, 5:73700
––Financial aid administrators, 5:73730

POSTSECONDARY SCHOOLS, PRIVATE–*continued*
Vocational and non-degree granting schools–*continued*
–Operating standards–*continued*
––Instructional quality, 5:73700
––Instructors, 5:73720
––Officers, directors, owners, 5:73740
––Physical facilities, equipment, and materials, 5:73710
–Operational plan, application information, 5:73380
–Organization and management, 5:73740
––Application information, 5:73140
–Ownership and control, 5:73740
––Application information, 5:73130
–Permits on file, 5:73890
–Records and reports, 5:73850-5:73910
––Annual report, 5:73850
––Application information, 5:73310
––Course syllabus, 5:73880
––Financial reports, 5:73860
––Logs, 5:73870
––Maintenance of records, 5:73910
––Permits on file, 5:73890
––Student records, 5:73900
–Refund of tuition and fees, 5:73800
–Representative of institution, application information, 5:73165
–Self-monitoring procedures, 5:73340
–Student complaint procedures, 5:73770
–Student progress, monitoring, 5:73765
–Student records, 5:73900
––Application information, 5:73420
–Student services, application information, 5:73300
–Truck driving schools, application information, 5:73480
–Tuition and fees, refunds, 5:73800
Vocational diploma programs in degree granting schools, 5:71020
–Out-of-state regionally accredited schools, 5:72020

PREGNANCY
School pupils, nondiscrimination, 5:4950
Schools and school districts, nondiscrimination, 5:4914

PRINCIPALS, SCHOOL
See SCHOOLS AND SCHOOL DISTRICTS

PRISONS AND PRISONERS
Community college courses
–Attendance reports, 5:58051.6
–County jails, 5:55310
Education
–Community college courses
––Attendance reports, 5:58051.6
––County jails, 5:55310
High school equivalency (GED) test eligibility, 5:11532

PRIVACY
See CONFIDENTIAL INFORMATION

PRIVATE POSTSECONDARY SCHOOLS
See POSTSECONDARY SCHOOLS, PRIVATE

PRIVATE SCHOOLS
Buses, 5:14100-5:14104
Federal categorical aid funds, 5:3943
Postsecondary education
See POSTSECONDARY SCHOOLS, PRIVATE
Special education services
See SPECIAL EDUCATION, subheading: Nonpublic, nonsectarian school and agency services

PSYCHIATRIC HOSPITALS
Nurses in state facilities, assumption of school loans for, 5:30920-5:30927

PSYCHOLOGISTS
Special education services, 5:3051.9, 5:3051.10
–Contracts, 5:3029
–Nonpublic, nonsectarian school and agency services, 5:3065

PUBLIC SCHOOLS
See SCHOOLS AND SCHOOL DISTRICTS; SECONDARY SCHOOLS

PUPILS, 5:200-5:3870
Accommodations
–Achievement tests, 5:853.5
–English language development test, 5:11516, 5:11516.5-5:11516.7
–High school exit examination test, 5:1215-5:1219
–Testing, 5:1047
Admittance, 5:200-5:202
See also SCHOOLS AND SCHOOL DISTRICTS
Attendance
See SCHOOLS AND SCHOOL DISTRICTS
Blind, special schools for
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Civil defense and disaster preparedness, 5:560
Cleanliness, 5:302
Colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Students
Community colleges
See COMMUNITY COLLEGES, subheading: Students
Contagious diseases, admittance to school, 5:202
Criminal activity, safe schools assessment program, 5:700-5:705
Deaf, special schools for
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Definitions, 5:2
–English language development test, 5:11510
–English language education for immigrant children, 5:11300
–Medication, administration, 5:601
–Physical performance testing, 5:1041-5:1043
–Records, 5:430
–Standardized testing and reporting (STAR) program, 5:850
Deportment, 5:300
Destruction of property, suspension or expulsion, 5:305
Detention
–Noon intermission or recess, during, 5:352
–Time limit, 5:353
Disabled
See Pupils with disabilities, this heading
Dress requirements, 5:302
Duties, 5:300-5:307
English language development test, 5:11510-5:11517.5
–Accommodations, 5:11516.5-5:11516.7
–Alternate assessments for pupils with disabilities, 5:11516.7
–Apportionment, 5:11517
––Report, 5:11517.5
–Assessment, 5:11511
–Cost to school district, 5:11511
–Count of tests administered, 5:11517
–Data for analysis, 5:11512.5
–Definitions, 5:11510
–District coordinator, 5:11513
–Modifications, 5:11516.6
–Records, 5:11512
–Reports
––Apportionment information, 5:11517.5
––To parents, 5:11511.5
––Test scores, 5:11511.6
–Security, 5:11514
–Site coordinator, 5:11513.5
–Test scores, reporting, 5:11511.6
–Time to complete, 5:11516
–Variations, 5:11516
English language education for immigrant children, 5:11300-5:11305
–Advisory committees, 5:11308
–Allocation of funds, 5:11315
–Annual assessment, 5:11309
–Census, 5:11307
–Community based tutoring, 5:11315
–Definitions, 5:11300
–Documentation, 5:11305
–Duration, 5:11302
–Knowledge and fluency, 5:11301
–Monitoring reclassified pupils, 5:11304
–Notices to parents or guardians, language, 5:11316

PUPILS–*continued*
English language education for immigrant children–*continued*
–Parental exception waivers, 5:11309, 5:11310
–Reclassification to proficient, 5:11303
Environmental health and safety, 5:630-5:632
Equal educational opportunity
See EQUAL EDUCATIONAL OPPORTUNITY
Ethnic segregation
See EQUAL EDUCATIONAL OPPORTUNITY
Extracurricular activities
–Attendance records, 5:405
–Supervision, 5:5531
Fees, 5:350
Fingerprinting program, 5:640, 5:641
Fire drills, 5:550
Forms
–Standardized testing and reporting (STAR) program
––Achievement tests
–––Security agreement and affidavit for test site coordinators, 5:859
Gifted and talented pupils, 5:3820-5:3870
See also GIFTED AND TALENTED PUPIL PROGRAM
Graduation from high school
See SCHOOLS AND SCHOOL DISTRICTS
Health and safety, 5:550-5:705
–Civil defense and disaster preparedness, 5:560
–Complaints, 5:4680-5:4687
–Crime reporting, 5:700-5:705
–Fingerprinting program, 5:640, 5:641
–Fire drills, 5:550
–Safe schools assessment program, 5:700-5:705
–Safety patrols
See SCHOOLS AND SCHOOL DISTRICTS
–School environment, 5:630-5:632
–Traffic safety, 5:570-5:576
–Vision screening, 5:590-5:596
–Work detrimental to health, 5:351
Hearing screening
–Driver education, 5:10041
–Special education programs, 5:3027, 5:3028
Illness
–Allowable absence, 5:420-5:424
–Chronic, special education
See SPECIAL EDUCATION
–Contagious disease, admittance to school, 5:202
Immigrant children
–English language development test, 5:11510-5:11517.5
–English language education, 5:11300-5:11305
–English language learners and high school exit examination test, 5:1215-5:1219
–High school exit examination test variations, 5:1217
Injuring pupil or school employee, suspension or expulsion, 5:305
Marital status, nondiscrimination, 5:4950
Medication, administration, 5:600-5:611
–Administration of medication, 5:604
–Advisories, 5:611
–Applicability of rules, 5:610
–Authorization, 5:600
–Definitions, 5:601
–Delivery of medication, 5:606
–Documentation, 5:607
–Health care provider written statement, 5:602
––Deviation from, 5:608
–Parent or guardian written statement, 5:603
–Self-administration, 5:605
–Storage of medication, 5:606
–Unused or outdated medication, 5:609
Minority pupils, equal educational opportunity
See EQUAL EDUCATIONAL OPPORTUNITY
Moral supervision, 5:5530
Neatness, 5:302
Nonresidents, tuition, 5:15000
–Military reservation residents, emergency allowance, 5:17273
Nutrition programs
See SCHOOLS AND SCHOOL DISTRICTS
Organizations, food sales
–Elementary schools, 5:15500

PUPILS–*continued*
Organizations, food sales–*continued*
–Secondary schools, 5:15501
Parental status, nondiscrimination, 5:4950
Playground supervision, 5:5552
Pregnancy, nondiscrimination, 5:4950
Privileges, 5:350-5:353
Profane or vulgar language, 5:300
Psychological tests, nondiscrimination, 5:4931
Pupils with disabilities, 5:3000-5:3089
–Achievement test accommodations, 5:853.5
–English language development test accommodations, 5:11516.5-5:11516.7
–High school exit examinations
––Data for analysis, 5:1207.1-5:1207.2
––Test accommodations, 5:1215-5:1219
–Special education
See SPECIAL EDUCATION
Racial segregation
See EQUAL EDUCATIONAL OPPORTUNITY
Records and reports, 5:400-5:450
–Attendance, 5:400-5:424
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Attendance records
–Central file, 5:433
–Challenging contents, 5:436
–Correction or removal of information, 5:436
–Custodian, 5:431
–Definitions, 5:430
–Destruction, 5:437
–English language development test
––Apportionment information report, 5:11517.5
––District records, 5:11512
––Report to parents, 5:11511.5
––Test scores, reporting, 5:11511.6
–English language learners, 5:11305
–Enumeration, 5:431
–Governing boards, powers and duties, 5:431
–High school proficiency certificates, 5:11521
–Individual records, 5:430-5:438
–Inspection, 5:431, 5:434, 5:435
–Maintenance, 5:433
–Mandatory interim records, 5:432
––Definition, 5:430
––Preservation, 5:437
––Transfer, 5:438
–Mandatory permanent records, 5:432
––Definition, 5:430
––Preservation, 5:437
––Transfer, 5:438
–Medication administration, 5:607
–Migrant student record transfer system, 5:18184
–Parental rights, 5:431
––Challenging contents, 5:436
––Notice of inspection of records, 5:435
––Notice of transfer of records, 5:438
–Permitted records, 5:432
––Definition, 5:430
––Preservation, 5:437
––Transfer, 5:438
–Physical performance test scores, 5:1043.8-5:1044
–Policies and procedures, 5:431
–Principals, duties, 5:431, 5:432
–Project-connected pupils, 5:450
–Retention, 5:437
–Security, 5:431, 5:433
–Standardized testing and reporting (STAR) program
––Achievement tests
–––Apportionment information, 5:862
–––Parent reports, 5:863
–––School-by-school analysis, 5:861
–––Test scores, 5:864
–Transfer, 5:438
––Special education programs, 5:3024
Safety patrols, 5:570-5:576
See also SCHOOLS AND SCHOOL DISTRICTS
Segregation
See EQUAL EDUCATIONAL OPPORTUNITY
Special education
See SPECIAL EDUCATION
Standardized testing and reporting (STAR) program
–Achievement tests, 5:851-5:870
––Accommodations, use of, 5:853.5

PUPILS–*continued*
Standardized testing and reporting (STAR) program–*continued*
–Achievement tests–*continued*
––Administration of test, 5:853
––Advance preparation, 5:854
––Apportionment information report, 5:862
––Apportionment of funding, 5:870
––Delivery of test materials, 5:866, 5:867
––Discrepancies in shipments of tests, resolution, 5:868
––District coordinators, 5:857
––Exemptions of pupils, 5:852
––Parent reports, 5:863
––Retrieval of materials by contractor, 5:867.5
––School-by-school analysis, 5:861
––Security agreement and affidavit for test site coordinators, 5:859
––Testing of pupils, 5:851
––Testing period, 5:855
––Test order information, 5:864.5
––Test scores, 5:864
––Test site coordinators, 5:858
––Transportation of test materials, 5:865
––Variations and modifications, use of, 5:853.5
–Definitions, 5:850
State colleges and universities
See UNIVERSITIES AND COLLEGES, STATE, subheading: Students
Suspension or expulsion
–Destruction of property, 5:305
–Injuring pupil or school employee, 5:305
Testing, 5:1021-5:1046
–Academic Performance Index and awards programs, 5:1031-5:1039
–Accommodations, 5:1047
–Achievement tests, 5:800-5:802, 5:1021-5:1025
––County superintendents, powers and duties, 5:1024
––Information requested by education department, 5:1025
––Leroy Greene California Assessment of Academic Achievement Program, 5:800-5:802
––Practice exercises, 5:1023.1
––Procedures, 5:1021
––Recording scores, 5:1022
––Scoring, 5:1021
––Security of test materials, 5:1023
––Standardized testing and reporting (STAR) program, 5:851-5:870
––Use of scores, 5:1022
––Waivers, Leroy Greene California Assessment of Academic Achievement Program, 5:802
–Alternative schools accountability model pre-post assessments, 5:1068-5:1074
–California assessment program, computation of change in school's performance, 5:1030
–English learners, variations, 5:1047
–Golden State Seal Merit Diploma, 5:876
–High school credits for private instruction, 5:1631
–High school exit examination, 5:1200-5:1225
––Accommodations, 5:1215-5:1219
––Apportionment of funding based on number of exams administered, 5:1225
––Assistance and prohibitions, 5:1219
––Cheating, 5:1220
––Definitions, 5:1200
––Disabled pupils, local waiver process, data for analysis, 5:1207.1-5:1207.2
––District coordinator, 5:1209
––English learners, 5:1216, 5:1217, 5:1217.5
––Excessive materials costs, 5:1202
––Funding apportionment, 5:1225
––Grade 10 pupils, 5:1204
––Grades 11 and 12 testing dates, 5:1204.5
––Identification of pupils or adult students at test site, 5:1203
––Notice to parents, record of, 5:1208
––Pupil performance, data for analysis of, 5:1207
––Recordkeeping by school districts, 5:1205, 5:1206, 5:1208
––Reporting of test scores, 5:1207.5
––Review process for proposed variations, 5:1218
––Security, 5:1211-5:1211.5
PUPILS–*continued*
Testing–*continued*
–High school exit examination–*continued*
––Students with disabilities, 5:1216
––Supervision of test administration and security, 5:1211-5:1211.5
––Test site coordinator, 5:1210
––Time to complete, 5:1215
––Waiver requests for pupils in state special school, 5:1218.6
–Physical performance, 5:1040-5:1044
––Administration, 5:1041-5:1043.4
––Analysis data, 5:1043.6
––Definitions, 5:1040
––District coordinator, 5:1043.4
––Recording scores, 5:1044
––Reports, 5:1043.8-5:1043.10
––Scoring, 5:1043
–Psychological tests, nondiscrimination, 5:4931
–Reading instruction program, 5:11201
–Standardized testing and reporting (STAR) program, 5:851-5:870
–Variations, 5:1047-5:1048
Traffic safety, 5:570-5:576
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Safety patrols
Transfer
–Records and reports, 5:438
––Special education programs, 5:3024
–Special education programs, 5:3024
Transportation to school
See SCHOOLS AND SCHOOL DISTRICTS
Tuition for nonresidents, 5:15000
–Military reservation residents, emergency allowance, 5:17273
Universities, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Students
Violence in schools
See SCHOOLS AND SCHOOL DISTRICTS
Vision screening, 5:590-5:596
–Authorized testers, 5:591-5:593
––Eligibility determination, 5:593
––Training, 5:592
–Color vision, 5:595
–Driver education, 5:10041
–Duly authorized agency, 5:590
–Gross external observation, 5:596
–Procedures, 5:594-5:596
–Special education programs, 5:3027
–Visual acuity, 5:594
–Visual performance and perception, 5:596
Waivers, achievement tests, 5:802
Work detrimental to health, 5:351

Q

QUARANTINE
Pupils, allowable absence, 5:420-5:424

R

READING
Elementary school reading instruction program, 5:11200-5:11237
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Reading instruction
Teachers
–Restricted specialist teaching credential in reading, 5:80048.1
–Scholarships and loans, 5:5710-5:5712, 5:11202
REAL ESTATE
Community college real estate education endowment fund
See COMMUNITY COLLEGES
REAL ESTATE–*continued*
Library acquisition grants, 5:20414, 5:20416
Schools acquiring, 5:14011-5:14012
REAL ESTATE BROKERS AND SALESPERSONS
Community college real estate education endowment fund
See COMMUNITY COLLEGES
RECIPROCITY
Teacher credentials, comparable and equivalent teacher preparation, 5:80430.2
RECORDKEEPING REQUIREMENTS
Adult education, 5:10508
CalWORKs child care and development programs
–Family data file
––Stage 2 child care program contractors, 5:18412
––Stage 3 child care program contractors, 5:18427
Community colleges
See COMMUNITY COLLEGES
Education department
See EDUCATION DEPARTMENT
Libraries, public
See LIBRARIES
Library of California
–Board records, inspection, 5:20310
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE
Schools
See SCHOOLS AND SCHOOL DISTRICTS
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE
REHABILITATION ACT OF 1973
Equal education opportunity, applicability to, 5:4902
Special education programs, applicability to, 5:3000
REHABILITATION DEPARTMENT
Special education services, coordinating, 5:3051.14
RELIGION
Child care and development programs, prohibition against religious instruction or worship, 5:18017
RELIGIOUS SCHOOLS
See generally PRIVATE SCHOOLS
Postsecondary
See generally POSTSECONDARY SCHOOLS, PRIVATE
REPORTING REQUIREMENTS
Adult education, 5:10508
–Innovation and alternative instructional delivery program, 5:10610
American Indian Education Center grants, 5:11996.7
CalWORKs child care and development programs
–Stage 2 child care program contractors, 5:18416
–Stage 3 child care program contractors, 5:18431
Community colleges
See COMMUNITY COLLEGES, subheading: Records and reports
Golden State Scholarshare Trust Program
–Annual report, 5:30956
No child left behind, supplemental services providers, annual reports, 5:13075.3
Postsecondary schools, private
See POSTSECONDARY SCHOOLS, PRIVATE, subheading: Records and reports
Schools and school districts
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Records and reports
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Records and reports
RESIDENCY REQUIREMENTS
Child care and development programs, 5:18107
Community colleges
See COMMUNITY COLLEGES
State universities and colleges, graduation requirements, 5:40403
RETALIATION
Teachers, 5:80337

RETIREMENT SYSTEMS
Teachers
See TEACHERS' RETIREMENT SYSTEM
Universities and colleges, state
See UNIVERSITIES AND COLLEGES, STATE, subheading: Employees

ROBBERY
School reporting requirements, 5:700-5:705

ROLLER SKATING
University and college campuses, on, 5:42353.1

S

SAFETY PATROLS
See SCHOOLS AND SCHOOL DISTRICTS

SCHOLARSHIPS
See STUDENT AID
Teachers, for
See TEACHERS

SCHOOL BUILDING CONSTRUCTION
Acoustical standards, 5:14030
Acquisition of site
See Site acquisition, this heading
Acreage, 5:14010
Additions
–Future expansion, 5:14030
Apportionment of funds
See Funding, this heading
Audits, 5:19832
Auxiliary areas, 5:14030
Bureau of school facilities planning
See Planning bureau, this heading
Classrooms, 5:14030
Closure of school buildings, 5:11962-5:11962.1
Delivery areas, 5:14030
Design
–Computations, 5:14030
–Future expansion, 5:14030
–Planning standards
See Plans, this heading
–Special education, integrated facilities, 5:14036
Design studies, 5:14030
Easements, 5:14010
Educational specifications, 5:14030
Environmental health and safety, 5:630-5:632, 5:14010, 5:14011
Exemptions, 5:14030
–Site standards, 5:14010
Federal aid, 5:16000
Funding
–Abandonment of inadequate facilities, 5:14035
–Audits, 5:19832
–Federal aid, 5:16000
Gymnasium, 5:14030
Laboratories, 5:14030
Lighting, 5:14030
Locally funded districts
–Plan standards, 5:14033
–Site selection, 5:14012
Notice of site selection, 5:14011
Placement of buildings, 5:14030
Planning bureau
–Site acquisition, review, 5:14011-5:14012
Plans, 5:14001, 5:14030-5:14036
–Approval of plan, 5:14031, 5:14032
–Design computations, 5:14030
–Design studies, 5:14030
–Educational specifications, 5:14030
–Future expansion, 5:14030
–Guides, 5:14034
–Locally funded districts, 5:14033
–Minimum standards, 5:14001
–Site selection and acquisition, 5:14010-5:14013
Playground and field areas, 5:14030
Plumbing, 5:14030
Property line, 5:14010
Safety regulations
SCHOOL BUILDING CONSTRUCTION–*continued*
Safety regulations–*continued*
–Design
See Design, this heading
–Site acquisition, 5:14010
Site acquisition, 5:14011-5:14012
–Safety standards, 5:14010
–Selection standards, 5:14010
Site layout, 5:14030
Special education facilities
–Design standards, 5:14030
–Integrated, design standards, 5:14036
State-funded districts
–Plan approval, 5:14031, 5:14032
–Site acquisition, 5:14011
Utility areas, 5:14030
Year-round schools, 5:14030

SCHOOL BUSES, 5:14100-5:14104
Applicability of regulations, 5:14100
Definitions, 5:14101
Disorderly conduct of pupils, 5:14103
Disposal, 5:15320
Drivers
–Authority, 5:14103
–Instructor certificate cancellation, suspension or revocation; hearings, 5:14104
Evacuation instructions, 5:14102
Insurance, 5:17305, 5:17306
Scope of regulations, 5:14100
Suspension of riding privileges, 5:14103

SCHOOL FACILITIES AND EQUIPMENT, 5:14001-5:14104
Abandonment of inadequate facilities, 5:14035
Audio-visual materials and equipment, purchase, 5:17292
Capital outlays
–Applicability of regulations, 5:17290
–Limitations, 5:17292
–Procedure, 5:17291
Cleanliness, 5:630
Compensatory education, school housing aid, 5:13050-5:13053
Complaints about conditions of facilities, 5:4683
–Appeal to superintendent, 5:4687
Consolidated categorical aid programs, equipment purchases, 5:3944, 5:3946
Definitions
–Buses, 5:14101
Disposition of property
–Categorical aid fund purchases, 5:3946
Environmental health and safety, 5:630-5:632, 5:14010
–State-funded districts, 5:14011
Fire hazards, 5:630
Funding
–Categorical aid funds, 5:3944, 5:3946
–Compensatory aid program
––Application for funds, 5:13050
––Computation of entitlements, 5:13053
––Priorities for allocation of funds, 5:13051, 5:13052
Handicapped pupils
–Access to buildings, 5:14030
–Integrated facilities for, 5:14036
Inadequate facilities, abandonment, 5:14035
Inventory of equipment, historical, 5:16035
Library materials, purchase, 5:17292
Maintenance, 5:631
Minimum standards, 5:14001
Motor vehicles, 5:17300-5:17308
–Applicability of regulations, 5:17300
–Identification, 5:17308
–Insurance, 5:17305, 5:17306
–Maintenance procedures, 5:17307
–Misappropriation, 5:17308
–Purchase procedures, 5:17301
––Limitations, 5:17302
–Repair, 5:17304
–Replacement, preconditions, 5:17303
–Storage location, 5:17308
–Title to, 5:17300
–Use and operation, 5:17308
–Vehicle specifications, 5:17302
SCHOOL FACILITIES AND EQUIPMENT–*continued*
Projection equipment, purchase, 5:17292
Purchases
–Capital outlays, 5:17290-5:17292
–Motor vehicles, 5:17301
––Limitations, 5:17302
Records and reports
–Categorical aid fund purchases, 5:3944, 5:3946
–Inventory of equipment, 5:16035
Regional occupational centers and programs, 5:11504
Sanitation, 5:630
Teachers, unauthorized use by, 5:80334
Toilets, 5:631
Unauthorized use by teachers, 5:80334

SCHOOL FINANCE, 5:3900-5:4503, 5:15000-5:15493
Accounts and accounting
–Consolidated categorical aid programs, 5:3944
–Economic impact aid program, 5:4202
–New careers in education programs, 5:13015
–Nutrition education programs, 5:15535
–Professional development and program improvement programs, 5:13042
–Standardized account code structure, 5:15060
–Travel expenses of county superintendents, 5:17436
Adult education
See ADULT EDUCATION
Annual statements, 5:15070-5:15071
Audits
See also SCHOOLS AND SCHOOL DISTRICTS
–Appeals, 5:19800-5:19805
–Home or institutional instruction cost reimbursement, 5:15187
Benefits
–Budget review criteria, 5:15449
–County offices of education, budget review criteria
––Interim reports, 5:15488
–Interim report review criteria, 5:15461
Bilingual education programs
–Administration
See Consolidated categorical aid programs, this heading; Economic impact aid program, this heading
–Teacher corps program, 5:11602, 5:11603
Budgets
–Cooperative county publication projects, reimbursement of travel expenses, 5:17282
–County offices of education
See Budgets, county offices of education, this heading
–County school service fund
See County school service fund, this heading
–Criteria and standards, 5:15440-5:15452
–Emergency allowances, inclusion, 5:17274
–First tier review, 5:15440-5:15444
––Average daily attendance, 5:15441
––Deficit spending, 5:15442
––General provisions, 5:15440
––Reserves, 5:15443
––Supplemental information, 5:15444
–Healthy start program grants, 5:11925
–Home or institutional instruction costs, reimbursement, 5:15180
–Interim reports, 5:15453-5:15463
See also Interim reports, this heading
–New careers in education programs, 5:13015
–Nutrition education programs, 5:15535
–Petty theft fine fund, 5:17370
–Professional development and program improvement programs, 5:13042
–School improvement programs, 5:4091
–Second tier review, 5:15445-5:15452
––General provisions, 5:15445
––Operating expenses, 5:15450
––Other revenue, 5:15448
––Revenue limit, 5:15446
––Salaries and benefits, 5:15449
––Sources and uses, 5:15451
––Supplemental information, 5:15452

SCHOOL FINANCE–*continued*
Budgets–*continued*
–Transfer of funds
––Child development fund, to, 5:15050
––Development center for handicapped pupils fund, to, 5:15050
–Travel expenses of county superintendents, 5:17436
Budgets, county offices of education, 5:15467-5:15479.5
–First tier review, 5:15467-5:15475
––Average daily attendance, 5:15468
––Deficit spending, 5:15472
––General provisions, 5:15467
––Reserves, 5:15474
––Supplemental information, 5:15475
–Second tier review, 5:15476-5:15479
––General provisions, 5:15476
––Operating expenses, 5:15478
––Other revenue, 5:15477
––Other sources and uses, 5:15479
––Supplemental information, 5:15479.5
California state preschool education program, 5:4425
Capital outlays, 5:17290-5:17292
Cash balance, interim report review criteria, 5:15454
–County offices of education, 5:15481
Certificated Staff Performance Incentive Act, implementation of, 5:1031-5:1039
Class size reduction
–Grade 9, 5:15140-5:15141
–Kindergarten to grade 3
––Appointments to charter schools, 5:15132
––Eligibility, 5:15130
––Qualification for funding, 5:15131
Compensatory education programs
–Administration
See Consolidated categorical aid programs, this heading; Economic impact aid program, this heading
–Allocation of funds, 5:4420, 5:4421
––Alternative models, 5:4421
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9
––Application for funding, 5:12091
–Levels of funding, 5:4416
–Local funding and programs, 5:4417
–Maintenance of effort, 5:4426
–Maximum funding, 5:4416
–Minimum funding, 5:4416
–New careers in education programs
See New careers in education programs, this heading
–Professional development and program improvement programs
See Professional development and program improvement programs, this heading; TEACHERS
–Reduction of funds, 5:4426
–School housing aid, 5:13050-5:13053
Complaint procedures, consolidated categorical aid programs
See Consolidated categorical aid programs, this heading
Computers, federal grants for multimedia stations, 5:11971-5:11979.5
–Application process, 5:11975
–Award of grants, 5:11979
–Definitions, 5:11972-5:11973
–District technology plan, 5:11976
–Eligibility, 5:11974
–Funding, 5:11977
–Priority of funding, 5:11978
–Purpose, 5:11971
–Use of funds, 5:11979.5
Consolidated categorical aid programs, 5:3900-5:4503
–Administrative costs, 5:3947
–Administrative procedures, 5:3920-5:3921
–Applicability of regulations, 5:3900
–Application procedure, 5:3920
–Basic skills, 5:3937
–Centralized service expenditures, 5:3947
SCHOOL FINANCE–*continued*
Consolidated categorical aid programs–*continued*
–Community involvement, 5:3932
–Complaint procedures, 5:4600-5:4671
––Local procedures
–––Appeal of decision, 5:4632-5:4633
–––Local agency responsibilities, 5:4631
–––Procedures, 5:4630
–––Time lines, 5:4630
––State procedures
–––Department investigation procedures, 5:4663
–––Department investigation report, 5:4664, 5:4665
–––Direct state intervention, 5:4650
–––Enforcement, 5:4670
–––First filing, 5:4640
–––Investigation timeline, 5:4662
–––Notice, 5:4651
–––Resolution, department procedures, 5:4660
––Uniform procedures
–––Definitions, 5:4600
–––Local district policies and procedures, 5:4621
–––Local educational agency responsibilities, 5:4620
–––Purpose, 5:4610
–––Referrals, 5:4611
–––Scope, 5:4610
–Comprehensive plan, 5:3930
–Continuity of funding, 5:3942
–Cooperative programs, 5:3945
–Costs, administrative, 5:3947
–Economic impact aid program, 5:4200-5:4503
See also Economic impact aid program, this heading
–Equipment purchases, 5:3946
––Inventory record, 5:3944, 5:3946
––Title, 5:3944
–Federal funds, nonpublic schools, 5:3943
–Federal regulations, applicability, 5:3921
–Indirect costs, 5:3947
–Instructional plan, 5:3931
–Nonpublic schools, federal funds, 5:3943
–Parent involvement, 5:3932
–Plan
––Comprehensive, 5:3930
––Instructional, 5:3931
–Program requirements, 5:3930-5:3937
–Records and reports, 5:3941, 5:3944
–Reduction of resources, 5:3940
–School improvement programs, 5:4000-5:4091
See also School improvement programs, this heading
–Scope of regulations, 5:3900
–Segregation of pupils, prohibition, 5:3934
–Staff development, 5:3933
–Staff involvement, 5:3932
–Student involvement, 5:3932
–Term of approval, 5:3942
Contingency funds
–Cooperative county publication projects, reimbursement of travel expenses, 5:17282
–County school service fund appropriations, 5:17344
Continuation education programs, apportionment of funds, 5:11006
Cooperative county publication projects, reimbursement of travel expenses, 5:17280-5:17283
–Applicability of regulations, 5:17280
–Budgeting, 5:17282
–Claim filing date, 5:17283
–Definition, 5:17281
–Source of funds, 5:17282
County offices of education
–Budgets
See Budgets, county offices of education, this heading
–Interim reports
See Interim reports, county offices of education, this heading
County school service fund
–Budget, 5:17340-5:17347
––Approval
–––Final, 5:17342
–––Tentative, 5:17341
SCHOOL FINANCE–*continued*
County school service fund–*continued*
–Budget–*continued*
––Contingency appropriations, 5:17344
––Cumulative reserve, 5:17345
––Final approval, 5:17342
––Publications included, 5:17347
––Review, 5:17343
––Submission, 5:17340
––Tentative approval, 5:17341
––Trust accounts, 5:17346
–Contingency appropriations, 5:17344
–Cumulative reserve, 5:17345
–Emergency allowances
See Emergency allowances, this heading
–Petty theft fine fund, 5:17370
–Revenue limits for county superintendents
––1979-80 limits, computation, 5:15408
–Trust accounts, 5:17346
County superintendents
–Revenue limits
See Revenue limits for county superintendents, this heading
–Travel expenses, reimbursement
See Travel expenses, reimbursement, this heading
Deficit spending, budget review criteria, 5:15442
–County offices of education, 5:15472
Definitions
–Computers, federal grants for multimedia stations, 5:11972-5:11973
–Cooperative county publication projects, 5:17281
–Emergency allowances, 5:17271
–Healthy start program grants, 5:11900
–High Priority Schools Grant Program, significant growth, 5:1030.7
–Immediate Intervention/Underperforming Schools Program grants, significant growth, 5:1030.5
–Pupil transportation allowances, 5:15240-5:15244
––Classification of fleets, 5:15246
–Revenue limits for county superintendents, 5:15401
–Revenue limits for school districts, 5:15371
–School improvement programs, 5:4000-5:4007
–State school fund
––Excessive administrative employee to teacher ratio, 5:15151
––Excessive pupil to teacher ratios, 5:15103
–Tax levy for identification and education of handicapped pupils, 5:17361
–Travel expenses, reimbursement
––Cooperative county publication projects, 5:17281
––County superintendents, 5:17431
–Tuition for nonresidents, 5:15000
Demonstration grant program for restructuring public education
–Application for funding, 5:11843
–Interview, 5:11844
Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8, or 9
–Application for funding, 5:12091
Development center for handicapped pupils fund
–Revenue limits, increase, 5:15391
–Transfer of funds to, 5:15050-5:15052
––Budget procedures, 5:15050
––Order of governing board, 5:15051
––Procedures, 5:15052
––Refunds, 5:15052
Discrimination prohibited in elementary and secondary programs receiving state funding
See EQUAL EDUCATIONAL OPPORTUNITY
Economic impact aid program, 5:4200-5:4503
–Accounts and accounting, 5:4202
–Administration costs, 5:4203
–Alternative program options, 5:4503
–Evaluation costs, 5:4203
–Low achievement schoolwide programs, 5:4501
–Low income schoolwide programs, 5:4500
–Purpose, 5:4200
–School security improvement, 5:4502
Educational innovation and support
See Consolidated categorical aid programs, this heading
Educationally disadvantaged youth programs
See Consolidated categorical aid programs, this heading

SCHOOL FINANCE–*continued*
Elementary school emergency allowances, 5:17272
Elementary school reading instruction program
See Reading instruction program, this heading
Emergency allowances, 5:17270-5:17278
–Applicability of regulations, 5:17270
–Application for, 5:17274
–Approval, 5:17277
–Claim filing date, 5:17278
–Definitions, 5:17271
–Elementary schools, 5:17272
–Forest reserve funds, use, 5:17276
–Purposes, 5:17273
–Suspended school districts, 5:17275
Enhancing education through technology grant program, 5:11971-5:11979.5
Equipment purchases
–Capital outlays, 5:17290-5:17292
–Consolidated categorical aid program, 5:3944, 5:3946
Federal aid
–Building construction, 5:16000
–Food commodities, 5:19540
Fees and costs
–Correspondence instruction, 5:1633
–Home or institutional instruction costs, reimbursement
See Home or institutional instruction costs, reimbursement, this heading
–Library use, 5:16042
–Pupil fees, 5:350
–Transportation to school, nonresidents, 5:15000
Forest reserve funds, emergency allowances drawn from, 5:17276
Fund balance
–Budget review criteria, 5:15452
–Interim report review criteria, 5:15454
––County offices of education, 5:15481
Gifted and talented pupil program, indirect cost expenditures, 5:3870
Governor's Performance Award Program of the Public Schools Accountability Act, implementation of, 5:1031-5:1039
Grants
See specific grant programs, this heading
Healthy start program grants, 5:11900-5:11930
–Award of grants, 5:11920
––Appeal, 5:11930
–Budgets, 5:11925
–Definitions, 5:11900
–Operational grants, 5:11905
––Review of applications, 5:11915
––Use of funds, 5:11925
–Planning grants, 5:11910
––Review of applications, 5:11915
––Use of funds, 5:11925
–Use of funds, 5:11925
–Waivers of program requirements, 5:11935
High Priority Schools Grant Program
–Significant growth criteria, 5:1030.7-5:1030.8
High school exit examination
–Apportionment of funding based on number of exams administered, 5:1225
Home or institutional instruction costs, reimbursement, 5:15180-5:15188
–Application for approval, 5:15180
–Audits, 5:15187
–Claims, 5:15187
–Conditions for approval, 5:15180
–Entitlement, 5:15181
–Excess costs, determination, 5:15184
–Local property tax share, determination, 5:15183
–Notice of reporting requirements, 5:15188
–Program requirements, 5:15182
–Records and reports, 5:15187
–Revenue limits, 5:15186
––Increase, 5:15389
–Total allowable income per pupil, determination, 5:15185
Immediate Intervention/Underperforming Schools Program grants
–Significant growth criteria, 5:1030.5-5:1030.6
Institutional instruction costs, reimbursement
See Home or institutional instruction costs, reimbursement, this heading

SCHOOL FINANCE–*continued*
Instructional materials
–Budget review criteria, 5:15450
–Interim report review criteria, 5:15462
Instructional television allowance, 5:19503, 5:19504
Instructional time and staff development reform program
–Application for funds, 5:6002
Interim reports, 5:15453-5:15463
–County offices of education
See Interim reports, county offices of education, this heading
–First tier review, 5:15453-5:15456
––Cash balance, 5:15454
––Fund balance, 5:15454
––General provisions, 5:15453
––Supplemental information, 5:15456
–Second tier review, 5:15457-5:15463
––Average daily attendance, 5:15458
––General provisions, 5:15457
––Operating expenses, 5:15462
––Other revenue, 5:15460
––Revenue limit, 5:15459
––Salaries and benefits, 5:15461
––Sources and uses, 5:15463
Interim reports, county offices of education, 5:15480-5:15490
–First tier review, 5:15480-5:15483
––Cash balance, 5:15481
––Fund balance, 5:15481
––General provisions, 5:15480
––Supplemental information, 5:15483
–Second tier review, 5:15484-5:15490
––Average daily attendance, 5:15485
––General provisions, 5:15484
––Operating expenses, 5:15489
––Other revenue, 5:15487
––Revenue limit, 5:15486
––Salaries and benefits, 5:15488
––Sources and uses, 5:15490
Library resource programs
See Consolidated categorical aid programs, this heading
Limits on revenue
–County superintendents
See Revenue limits for county superintendents, this heading
–School districts
See Revenue limits for school districts, this heading
Lottery funds, audits, 5:19834-5:19835
Low achievement schoolwide programs, 5:4501
Low income schoolwide programs, 5:4500
Lunch and breakfast programs
–Application for funding, 5:15555
–Eligibility for funding, 5:15552
–Reimbursement
––Claims, 5:15556
––Eligible meals, 5:15562
––Procedures, 5:15564
––Rate change, notice, 5:15565
Miscellaneous funds reports, 5:17260-5:17262
–Contents, 5:17261
–Exclusions, 5:17262
–Time of report, 5:17260
Multimedia stations, federal grants, 5:11971-5:11979.5
New careers in education programs
–Application for funding, 5:13009
–District responsibility for funding, 5:13011
–Expenditure level, 5:13013
–Financial records, 5:13015
–Intern support funds, allocation, 5:13006
Newly formed districts
–Pupil transportation allowances
See Pupil transportation allowances, this heading
–Revenue limits, increase, 5:15390
Nonresident tuition, 5:15000
–Military reservation residents, emergency allowance, 5:17273
Notice
–Consolidated categorical aid programs, complaint procedures

SCHOOL FINANCE–*continued*
Notice–*continued*
–Consolidated categorical aid programs, complaint procedures–*continued*
––State procedures, 5:4640
––Uniform procedures, 5:4622
–Home or institutional instruction costs, reimbursement, 5:15188
Nutrition education programs
–Application for funding, 5:15532
–Approval of funding, 5:15533, 5:15534
–Budgets, 5:15535
–Eligibility for funding, 5:15531
–Records and reports, 5:15535
Petty theft fine fund, 5:17370
Preschool programs
See also Consolidated categorical aid programs, this heading
–Low-income families, 5:4425
Professional development and program improvement programs
–Application for funding, 5:13026, 5:13038
–Continuity of funding, 5:13040
–Distribution of funds, 5:13037
–Expenditure level, 5:13035
–Financial records, 5:13042
–Per capita costs, ceiling, 5:13036
Proposition 20 lottery funds, audits, 5:19834
Pupil transportation allowances, 5:15240-5:15343
–Annual reports, 5:15270-5:15272
––Newly formed district, 5:15341
–Approval of expenditures, 5:15280-5:15285
–Buses
––Classification of fleets, 5:15246-5:15249
–––Definitions, 5:15246
–––Emergency exemption, 5:15248
–––Establishment of classes, 5:15247
–––Median average costs, 5:15249
––Definition, 5:15244
––Expense records, 5:15261
––Identification records, 5:15254
––Newly formed district, replacement allowances, 5:15322
––Purchases, reporting, 5:15272
––Replacement allowances, 5:15320-5:15325
–––Application for, 5:15321
–––Approval, 5:15321-5:15324
–––Class 1 school bus, 5:15323
–––Class 2 school bus, 5:15324
–––Disposal requirements, 5:15320
–––Newly formed district, 5:15322
–––Use other than home-to-school, adjustments, 5:15325
–Current expenses
––Deductions
–––Depreciation, 5:15283
–––Payments received, 5:15282
–––Use other than home-to-school, 5:15283
––Definition, 5:15240
––Exceeding 125% of median, 5:15284
––Excessive distances, maximum allowable, 5:15285
––Limitation, 5:15281
––Newly formed district, maximum allowance, 5:15343
––Review and approval, 5:15280-5:15285
–Definitions, 5:15240-5:15244
––Classification of fleets, 5:15246
–Emergency allowances, 5:17273
–Excessive distances, 5:15242
––Maximum allowable, 5:15285
–Expense records, 5:15256
–Handicapped pupils
––Definition, 5:15243
––Expense records, 5:15256
–Median average costs
––Determination, 5:15249
––Expenses exceeding 125% of, 5:15284
–Minimum transportation distances, 5:15241
–Newly formed district, 5:15340-5:15343
––Annual report, 5:15341
––Bus replacement allowances, 5:15322
––Capital outlay, maximum allowance, 5:15342
––Current expenses, maximum allowance, 5:15343

SCHOOL FINANCE–*continued*
Pupil transportation allowances–*continued*
–Newly formed district–*continued*
––Notice to superintendent of public instruction, 5:15340
–Number of pupils transported, records, 5:15255
–Receipts for services and sales, 5:15257
–Records and reports, 5:15253-5:15273
––Annual reports, 5:15270-5:15272
–––Bus purchases, 5:15272
–––Exclusion of expenses for handicapped pupils, 5:15271
–––Newly formed district, 5:15341
––Bus expenses, 5:15261
––Bus identification, 5:15254
––Expenses, 5:15256, 5:15261
––Inspection by superintendent of public instruction, 5:15253, 5:15260
––Number of pupils transported, 5:15255
––Receipts, 5:15257
–Review of expenditures, 5:15280-5:15285
Reading instruction program, 5:11230-5:11237
–Administration
See Consolidated categorical aid programs, this heading
–Application for funding, 5:11230, 5:11231
–Average daily attendance, definition, 5:11235
–Certification of participation, 5:11233
–Newly formed or reorganized districts, 5:11236
–Reading First funding, 5:11991-5:11991.2
–Records and reports, 5:11232, 5:11233
–Repayment for nonparticipation, 5:11234
–Small schools, 5:11237
Records and reports
–Annual financial statements, 5:15070-5:15071
–Budgets
See Budgets, this heading
–Consolidated categorical aid programs, 5:3941, 5:3944
–County school service fund
––Budget, 5:17347
––Trust accounts, 5:17346
–Economic impact aid program, 5:4202
–Home or institutional instruction costs, reimbursement, 5:15187
–Interim reports, 5:15453-5:15463
See also Interim reports, this heading
–Miscellaneous funds reports, 5:17260-5:17262
–New careers in education programs, 5:13015
–Nutrition education programs, 5:15535
–Professional development and program improvement programs, 5:13042
–Pupil transportation allowances
See Pupil transportation allowances, this heading
–Reading instruction program, 5:11233
–State school fund
––Excessive administrative employee to teacher ratio, 5:15160
––Excessive pupil to teacher ratio, 5:15110-5:15112
Regional occupational centers and programs, fiscal accountability, 5:11507
Reserves
–Budget review criteria, 5:15443
––County offices of education, 5:15474
–County school service fund, cumulative reserve, 5:17345
Resource centers, selection for funding, 5:11713
Restructuring public education, demonstration grant program
–Application for funding, 5:11843
–Interview, 5:11844
Revenue limits for county superintendents, 5:15400-5:15408
–Applicability of regulations, 5:15400
–Budget review criteria
––Interim reports, 5:15486
–Definitions, 5:15401
–1979-80 limits, computation, 5:15405-5:15408
––County school service fund, 5:15408
––Data to be used, 5:15406
––Official schedules, 5:15405
––Special education programs, 5:15407
–Scope of regulations, 5:15400

SCHOOL FINANCE–*continued*
Revenue limits for school districts, 5:15370-5:15392
–Applicability of regulations, 5:15370
–Budget review criteria, 5:15446
––Interim reports, 5:15459
–Definitions, 5:15371
–1978-79 limits, recomputation, 5:15375-5:15380
––Adult programs, 5:15379
–––Statewide average limit, calculation, 5:15380
––Data to be used, 5:15376
––K-12 programs, 5:15377
–––Statewide weighted mean revenue limits, calculation, 5:15378
––Official schedules, 5:15375
–1979-80 limits, calculation, 5:15384-5:15392
––Adult programs, 5:15392
––Data to be used, 5:15385
––Increases, 5:15387-5:15391
–––Declining enrollment, due to, 5:15388
–––Development centers for handicapped pupils, 5:15391
–––High school maintaining junior high school, 5:15387
–––Home or hospital instruction, 5:15389
–––Meals for needy pupils, 5:15391
–––Newly formed districts, 5:15390
–––Small continuation high schools, 5:15390
––K-12 programs, 5:15386
––Official schedules, 5:15384
–Scope of regulations, 5:15370
Salaries
–Budget review criteria, 5:15449
–County offices of education, budget review criteria
––Interim reports, 5:15488
–Interim report review criteria, 5:15461
SCE funds
See Compensatory education programs, this heading
School improvement programs, 5:4000-5:4091
–Administration
See Consolidated categorical aid programs, this heading
–Budgets, 5:4091
–Classroom teacher, definition, 5:4000
–Definitions, 5:4000-5:4007
–Elementary schools
––Definition, 5:4007
–Expenditures, 5:4090
–Parent eligible for membership on school-site council, definition, 5:4002
–Parity, definition, 5:4001
School security improvement, 5:4502
Special education, 5:3000
–Cerebral palsied pupils, emergency allowances, 5:17273
–Development center for handicapped pupils fund
See Development center for handicapped pupils fund, this heading
–Extended school year, 5:3043
–Home or institutional instruction costs, reimbursement
See Home or institutional instruction costs, reimbursement, this heading
–Revenue limits for county superintendents, computation of 1979-80 limits, 5:15407
–Tax levy for identification and education of handicapped pupils, 5:17360-5:17363
Staff development reform program
–Application for funds, 5:6002
State child nutrition fund, 5:15552
State compensatory education programs
See Compensatory education programs, this heading
State school fund
–Class size reduction
––Apportionment of funds, 5:15133
––Kindergarten to grade 3, 5:15130-5:15133
–Definitions
––Excessive administrative employee to teacher ratio, 5:15151
––Excessive pupil to teacher ratios, 5:15103
–Excessive administrative employee to teacher ratio, 5:15150-5:15160

SCHOOL FINANCE–*continued*
State school fund–*continued*
–Excessive administrative employee to teacher ratio–*continued*
––Definitions, 5:15151
––Exemption from regulations, 5:15158
––Purpose of regulations, 5:15150
––Reports by school districts, 5:15160
–Excessive pupil to teacher ratios, 5:15100-5:15112
––Applicability of regulations, 5:15101
––Combined grades, 5:15102
––Definitions, 5:15103
––Exemption from regulations, 5:15101
–––Kindergartens, 5:15106
––Kindergarten exemption, 5:15106
––Purpose of regulations, 5:15100
––Reports by school districts, 5:15110-5:15112
–––Classes for less than full "second period," 5:15111
–––Ungraded classes, 5:15112
––Ungraded classes, 5:15112
–Records and reports
––Excessive administrative employee to teacher ratio, 5:15160
––Excessive pupil to teacher ratios, 5:15110-5:15112
Suspended school districts, emergency allowances, 5:17275
Taxes and levies
–Handicapped pupils, identification and education, 5:17360-5:17363
––Amount of revenues, determination, 5:17362
––Definitions, 5:17361
––Deposit of revenues, 5:17363
––Excess or deficient revenues, 5:17363
––Required levy, 5:17360
Teacher centers programs, funding, 5:11715
Technology grant programs
–Enhancing education through technology, 5:11971-5:11979.5
–Multimedia stations, federal grants, 5:11971-5:11979.5
Transfer of funds
–Child development fund, to, 5:15050-5:15052
–Development center for handicapped pupils fund, to, 5:15050-5:15052
Transportation of pupils
See Pupil transportation allowances, this heading
Travel expenses, reimbursement
–Cooperative county publication projects, 5:17280-5:17283
–County superintendents, 5:17430-5:17436
––Accounts, 5:17436
––Applicability of regulations, 5:17430
––Budgets, 5:17436
––Claims, 5:17433
––Conditions of payment, 5:17432
––Definitions, 5:17431
––Subsistence allowance, 5:17434
Trust accounts, county school service fund, 5:17346
Tuition for nonresidents, 5:15000
–Military reservation residents, emergency allowances, 5:17273
Violence prevention grants, 5:11987-5:11987.7
Vocational education contracted services, fiscal accountability, 5:11537

SCHOOL PUPIL ACTIVITY BUSES, 5:14100-5:14104
Applicability of regulations, 5:14100
Definitions, 5:14101
Disorderly conduct of pupils, 5:14103
Disposal, 5:15320
Drivers
–Authority, 5:14103
–Instructor certificate cancellation, suspension or revocation; hearings, 5:14104
Evacuation instructions, 5:14102
Insurance, 5:17305, 5:17306
Scope of regulations, 5:14100
Suspension of riding privileges, 5:14103

SCHOOLS, PRIVATE
See POSTSECONDARY SCHOOLS, PRIVATE; PRIVATE SCHOOLS

SCHOOLS AND SCHOOL DISTRICTS, 5:2-5:19540
Ed. Note: This heading pertains solely to public school systems.
Academic Performance Index and awards programs, 5:1031-5:1039
-Award funding criteria, 5:1033
-Certificated staff performance incentive act
--Award funding criteria, 5:1035
--Eligibility, 5:1034
-Eligibility of schools, 5:1032
-Indirect or other administrative charges, exemption, 5:1038
-Intent, 5:1031
-Statutory benefits calculations, exemption, 5:1037
-Use of funds allocated to school sites, 5:1039
-Waiver deadline, 5:1036
Access to information
-Professional development and program improvement programs, 5:13041
-Pupil records, 5:434, 5:435
-Pupil transportation allowances, 5:15253, 5:15260
-Unauthorized disclosure by teachers, 5:80334
Accountability report cards, audits, 5:19837.1
Administrator-teacher ratio, audits, 5:19829
Admittance, 5:200-5:202
-Contagious or infectious pupils, 5:202
-First grade, 5:200
-High school, 5:201
Adult education
See ADULT EDUCATION
After-school activities
See Extracurricular activities, this heading
Age requirements
-First grade admittance, 5:200
-Safety patrols, 5:571
Alternative schools accountability model pre-post assessments, 5:1068-5:1074
-Administration of assessment instrument, 5:1070
-Administrator of test, eligibility, 5:1071
-Applicability of rules, 5:1068
-Definitions, 5:1069
-Reporting, 5:1074
-Scoring, 5:1073
-Security and storage requirements, 5:1072
American Indian education centers, 5:11996-5:11996.11
Armed service members
-Credit toward graduation, 5:1634
-Diploma, time of granting, 5:1651
Athletic activities
-Nondiscrimination, 5:4920-5:4922
-Physical education curriculum, 5:10060
Athletic coaches, 5:5590-5:5596
-Definitions, 5:5590
-Ethical conduct code, 5:5596
-Temporary
--Certification, 5:5594
--Duties, 5:5591
--Noncertificated, 5:5592
--Qualifications, 5:5593
--Recertification, 5:5595
Attendance, 5:300
-Absences
--Allowable, 5:420
--Excuse from parent or guardian, 5:306
--Verification for computing attendance, 5:420-5:424
-Adult education, 5:10524
-Audits, 5:19817-5:19822
-Average daily attendance
See Average daily attendance, this heading
-Computing, 5:402-5:406
-Exemption, high school proficiency demonstrated, 5:11522
-Leaving school premises, 5:303
-Records, 5:400-5:424
See also Attendance records, this heading
-Special education
See SPECIAL EDUCATION
Attendance records, 5:400-5:424
-Absences, verification, 5:420-5:424
--Allowable absences, 5:420
--Method, 5:421

SCHOOLS AND SCHOOL DISTRICTS-*continued*
Attendance records-*continued*
-Absences, verification-*continued*
--Prior registration and attendance required, 5:424
--Prolonged illness, 5:423
--Recording, 5:422
-Adult education classes, 5:401, 5:406
-Apportionment purposes, 5:402-5:406
-Computing attendance, 5:402-5:406
--Clock hour, by, 5:404-5:406
--Minimum school day, 5:403
-Continuation classes, 5:401
-Elementary school, 5:401
-Extracurricular activities, 5:405
-Forms, 5:401
-Home, hospital or institutional instruction, 5:406
-Independent study programs, 5:11703
-Purpose, 5:400
-Regional occupational programs, 5:401, 5:406
-Secondary schools, 5:401
-Special education programs, 5:406
-Summer school, 5:402, 5:406
-Teacher's report, 5:401
-Work experience program, 5:405, 5:406
Audio-visual services
-Coordination, 5:17320-5:17322
-Equipment and supply purchases, 5:17292
Audits, 5:19810-5:19854
-Administrator-teacher ratios, 5:19829
-Adult education, attendance records, 5:19821
-After School Education and Safety Program, 5:19846
-Appeals, 5:19800-5:19805
--Charter schools, 5:19850-5:19854
--Definitions, 5:19800
--Filing of appeal, 5:19804
--Intervention, 5:19805
--Request for summary review, 5:19803
--Withdrawal of appeal, 5:19804
-Applicability of procedures by audit year, 5:19816.1
-Attendance audits, 5:19817-5:19822
-Auditing standards, 5:19812
-Auditor qualifications, 5:19811
-California School Age Families Education (Cal-SAFE) program, 5:19836
-Class size reduction, 5:19845-5:19845.1
-Community day schools, 5:19825
-Construction funds, 5:19832
-Continuation education, attendance records, 5:19820
-Early retirement incentive, 5:19830-5:19830.1
-Gann limit calculation, 5:19831
-Independent study, attendance records, 5:19819
-Instructional materials, 5:19828-5:19828.2
--Proposition 20 lottery funds, 5:19834
-Instructional time and staff development reform program, 5:19823
-Instructional time requirements, 5:19824
-Judgment of auditor, 5:19814
-Kindergarten continuance, 5:19818
-Lottery funds, 5:19834-5:19835
-Mathematics and reading professional development program, 5:19838
-Pension plans, alternative, 5:19833
-Proposition 20 lottery funds, 5:19834
-Reports, 5:19815-5:19816.1
--Definitions, 5:19816
-Salaries of teachers, 5:19829.5
-School accountability report card, 5:19837-5:19837.1
-Sick leave, 5:19833.5
-Teachers retirement system, notice of right to election, 5:19833.6
Average daily attendance
-Budget review criteria, 5:15441
--County offices of education, 5:15468
-Charter schools, 5:11960
--Certification of attendance records, 5:11966
--Nonclassroom-based instruction, 5:11963.2
-Decrease, 5:428, 5:15100-5:15112
-Elementary school reading instruction program, 5:11235
-Emergency, 5:428

SCHOOLS AND SCHOOL DISTRICTS-*continued*
Average daily attendance-*continued*
-Interim report review criteria, 5:15458
--County offices of education, 5:15485
-Special education, extended school year, 5:3043
Bilingual education
-Allocation of funds, 5:4320
-English language, 5:11300-5:11305
-English language development test, 5:11510-5:11517.5
-Teacher corps program, 5:11600-5:11604
--Definitions, 5:11601
--Evaluation of program, 5:11604
--Funds for planning, development and administration, 5:11602
--Purpose, 5:11600
--Stipend for participants, 5:11603
Blind, for
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Boards, governing
See Governing boards, this heading
Breakfast programs
See Lunch and breakfast programs, this heading
Burglary, programs to discourage, 5:17370
California assessment program, computation of change in school's performance, 5:1030
California School Age Families Education (Cal-SAFE) program, audits, 5:19836
California state preschool education program, 5:4425
Certificated Staff Performance Incentive Act, implementation of, 5:1031-5:1039
Certified personnel
See TEACHERS
Charter schools
See CHARTER SCHOOLS
Child nutrition programs
See Nutrition programs, this heading
Civil defense and disaster preparedness, 5:560
Class size
-Excessive pupil to teacher ratios, 5:15100-5:15112
-Reduction
--Audits, 5:19845-5:19845.1
--Grade 9, 5:15140-5:15141
--Kindergarten to grade 3, 5:15130-5:15133
Closure procedures, 5:11962-5:11962.1
Coaches
See Athletic coaches, this heading
College courses
-Gifted and talented pupil program, 5:3840
Community classrooms, 5:10080-5:10092
-Classroom instruction, 5:10085
-Credits, 5:10081
-Definitions, 5:10080
-Individualized training plans, 5:10087
--Definition, 5:10080
-Joint venture training agreements, 5:10087
--Definition, 5:10080
-Pupil qualifications, 5:10082
-Pupil-teacher ratio, 5:10089
-Records and reports, 5:10084
-Scope of regulations, 5:10092
-Supervision of pupils, 5:10088
-Teachers
--Definition, 5:10080
--Duties, 5:10083
--Records and reports, 5:10084
--Supervision of pupils, 5:10088
-Training stations, selection and approval, 5:10086
-Unpaid on-the-job experience, 5:10090
Community day schools, audits, 5:19825
Compensatory education, 5:4400-5:4426, 5:12000-5:13053
-Advisory councils, 5:4423
-Alternative program options, 5:4503
-California state preschool education program, 5:4425
-Comparability of services, 5:4424
-Consistency of services, 5:4402
-Definitions
--Director, 5:12000
--Educationally disadvantaged student, 5:4414
-Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9, 5:12090-5:12099

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Compensatory education–*continued*
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9–*continued*
––Approval, application for, 5:12092, 5:12093
––Content of program, 5:12094
––Definitions, 5:12090
––Evaluation, 5:12095, 5:12099
––Funding, application for, 5:12091
––Goals, 5:12094
––Operation by public or private agency, 5:12093
––Personnel, 5:12097, 5:12098
––Supervisors, 5:12097
––Teachers, 5:12097
–Director, definition, 5:12000
–Eligibility of pupils, 5:4414, 5:4415
–Eligibility of school, 5:4410-5:4413
–Evaluation plans, 5:4422
–Exceptions to eligibility and selection criteria, 5:4413
–Federal regulations, 5:4401
–Need criteria, 5:4410
–New careers in education programs
See TEACHERS
–Purpose, 5:4400
–School housing aid, 5:13050-5:13053
––Application for funds, 5:13050
––Computation of entitlements, 5:13053
––Priorities for allocation of funds, 5:13051, 5:13052
–Secondary school program, 5:4403
–Selection of schools, 5:4411
–Special teacher employment programs, 5:12050-5:12052
––Definitions, 5:12050
––Identification of most concentrated areas, 5:12051
––Priority of projects, 5:12052
–Supplemental services providers, 5:13075
–Teacher aides, 5:12065-5:12070
––Assignment, 5:12069, 5:12070
––Duties, 5:12067-5:12069
––Qualifications, 5:12065
––Supervision, 5:12067, 5:12068
–Uniform eligibility and selection criteria, 5:4412
Complaint procedures, 5:4600-5:4671
–Equal education opportunity, 5:4960
––Confidentiality, 5:4964
––Disciplinary actions, 5:4965
––Retaliation, 5:4963
–Local procedures
––Appeal of decision, 5:4632-5:4633
––Local agency's responsibilities, 5:4631
––Procedures, 5:4630
––Time lines, 5:4630
–State procedures
––Appeal, 5:4640
––Department investigation procedures, 5:4663
––Department investigation report, 5:4664
–––Reconsideration, 5:4665
––Direct state intervention
–––Basis, 5:4650
–––Notice, 5:4651
––Enforcement, 5:4670
––First filing, 5:4640
––Investigation timeline, 5:4662
––Resolution procedures, 5:4660
––Time lines, 5:4640
–Uniform procedures
––Definitions, 5:4600
––Local educational agency compliance
–––District policies and procedures, 5:4621
–––Notice, 5:4622
–––Responsibilities, 5:4620
––Purpose, 5:4610
––Referrals, 5:4611
––Scope, 5:4610
–Williams complaints, 5:4680-5:4687
––Appeal to district governing board, 5:4686
––Condition of facilities, 5:4683
–––Appeal to superintendent, 5:4687
––Instructional materials, 5:4681
––Investigations, 5:4685

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Complaint procedures–*continued*
–Williams complaints–*continued*
––Notice, 5:4684
––Public access, 5:4686
––Quarterly reports, 5:4686
––Submission and filing, 5:4680
––Teacher vacancy or misassignment, 5:4682
Comprehensive health education
–Application for, 5:11801
–Approval of plans, 5:11800
Computers, federal grants for multimedia stations, 5:11971-5:11979.5
Confidentiality
–Discrimination or sexual harassment complaints, 5:4964
Contagious diseases
–Pupils, admittance, 5:202
–Teachers
––Pre-employment examination, 5:5504
––Retired persons, employment; examination, 5:5502, 5:5503
Continuation education programs, 5:11000-5:11010
–Attendance records, 5:401
–Coordination, 5:11003
–Directors, 5:11000
––Records and reports, 5:11005
–Exemption from maintaining, 5:11010
–Follow-up services, 5:11001
–Funds
––Apportionment, 5:11006
––Revenue limits, increase, 5:15390
–Guidance services, 5:11001
–High schools, 5:11004
–Individual instruction needs, 5:11002
–Placement services, 5:11001
–Records and reports, 5:11005
Contracts
–Cooperative vocational education training agreements, 5:10100, 5:10108
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9, 5:12093, 5:12095
–Federal agencies, with; building construction financial aid, 5:16000
–Independent study agreements, 5:11702
–Lunch and breakfast programs, 5:15554
–Resource center interagency agreements, 5:11711
–Special education
See SPECIAL EDUCATION
–Vocational education, 5:11535-5:11538
See also Vocational education, this heading
Cooperative county publication projects, reimbursement of travel expenses, 5:17280-5:17283
Cooperative vocational education, 5:10100-5:10111
–Classroom instruction, 5:10106
–Credits, 5:10102
–Definitions, 5:10100
–Individualized training plans, 5:10108
––Definition, 5:10100
–Paid on-the-job experiences, 5:10111
–Pupil qualifications, 5:10103
–Pupil-teacher ratio, 5:10110
–Records and reports, 5:10105
–Supervision of pupils, 5:10109
–Teachers
––Definition, 5:10101
––Duties, 5:10104
––Records and reports, 5:10105
––Supervision of pupils, 5:10109
–Training agreements, 5:10108
––Definition, 5:10100
–Training stations, selection and approval, 5:10107
Coordination of educational programs, 5:17320-5:17322
Correspondence courses
See CORRESPONDENCE COURSES AND SCHOOLS
Counseling and guidance services
–Adult education, 5:10530
–Continuation education programs, 5:11001
–Coordination, 5:17320-5:17322
–Nondiscrimination, 5:4930, 5:4931
–Regional occupational centers and programs, 5:11505

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Counseling and guidance services–*continued*
–Special education programs, 5:3051.9, 5:3051.10
––Nonpublic, nonsectarian school and agency services, 5:3065
––Parents, 5:3051.11
–Theft, programs to discourage, 5:17370
County superintendents
See Superintendents, county, this heading
Courses of study
See Curriculum, this heading
Credits
–Community classrooms, 5:10081
–Cooperative vocational education, 5:10102
–High school graduation, 5:1635
–Work experience programs, 5:1635
Crime, safe schools assessment program, 5:700-5:705
See also Safe schools assessment program, this heading
Cultural diversity
See also Bilingual education, this heading
–Gifted and talented pupil program, linguistically or culturally diverse pupils, 5:3840
Curriculum, 5:10020-5:10111
–Community classrooms
See Community classrooms, this heading
–Comprehensive health education, 5:11800, 5:11801
–Cooperative vocational education
See Cooperative vocational education, this heading
–Coordination, 5:17320-5:17322
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9, 5:12090-5:12099
–Discrimination prohibited, 5:4940
–Driver education
See Driver education, this heading
–Frameworks
See Instructional materials, this heading
–High school, 5:10020-5:10111
–Instructional materials
See Instructional materials, this heading
–Mathematics
––Demonstration programs in intensive instruction for low-achieving pupils in grade 7, 8 or 9, 5:12090-5:12099
––Professional development and program improvement programs
See TEACHERS
–Nutrition education
See Nutrition education, this heading
–Physical education
See Physical education, this heading
–Reading
––Demonstration programs in intensive instruction for low-achieving pupils in grade 7, 8, or 9, 5:12090-5:12099
––Elementary school reading instruction program
See Reading instruction, this heading
––Professional development and program improvement programs
See TEACHERS
–Regional occupational centers and programs, 5:11503, 5:11504
–Summer schools, 5:11472
–Television, instructional
See Instructional television, this heading
–Vocational education, course review by regional councils, 5:11611
–Work experience
See Work experience programs, this heading
Curriculum Commission
See Instructional materials, this heading
Dangerous schools
See "Persistently dangerous" schools, this heading
Deaf, for
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Definitions, 5:2
–Adult education, 5:10501
–Alternative schools accountability model pre-post assessments, 5:1069

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Definitions–*continued*
–Athletic coaches, 5:5590
–Average daily attendance, charter schools, 5:11960
–Bilingual education
––Teacher corps program, 5:11601
–Buses, 5:14101
–Charter schools, 5:11965
––Independent study programs, 5:11700.1
–Community classrooms, 5:10080
–Compensatory education director, 5:12000
–Cooperative vocational education, 5:10100
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8, or 9, 5:12090
–Educationally disadvantaged student, 5:4414
–Exit examination, high school, 5:1200
–Fingerprinting program, 5:640
–Fruits and vegetables promotion, California Fresh Start pilot program, 5:15567
–GED test, 5:11530
–Grade 9 class size reduction, 5:15140
–Graduation from high school, 5:1600
–Healthy start program grants, 5:11900
–High school equivalency certificates, 5:11530
–High school exit examination, 5:1200
–Independent study programs, 5:11700, 5:11700.1
–Instructional materials, 5:9515
–Instructional television, 5:19501
–Libraries, 5:16040
–Lunch and breakfast programs, 5:15551
–Meals for needy pupils, 5:15510
–New careers in education programs, 5:13000
–No child left behind
––Supplemental services providers, 5:13075-5:13075.4
––Teacher requirements, 5:6100
–"Persistently dangerous," 5:11992-5:11994
–Professional development and program improvement programs, 5:13025
–Pupil records, 5:430
–Reading First, "significant progress," 5:11991.1
–Records and reports, 5:16020
–Regional occupational centers and programs, 5:11501
–Resource centers, 5:11710
–Safe schools assessment program, 5:700
–Sexual harassment, 5:4916
–Special education
See SPECIAL EDUCATION
–Special teacher employment programs, 5:12050
–Technology grant program, 5:90001
–Tuition for nonresidents, 5:15000
–Vocational education contracts, 5:11535
Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8, or 9, 5:12090-5:12099
See also Compensatory education, this heading
Destruction of property, suspension or expulsion of pupil, 5:305
Diagnostic schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Diplomas, high school
–Community college programs, 5:55154
–Golden State Seal Merit Diploma, 5:876
–High school equivalency certificates, 5:11530-5:11532
–Proficiency certificates, 5:11520-5:11523
–Time of granting, 5:1650
––Veterans, 5:1651
Disabled pupils
See PUPILS, subheading: Pupils with disabilities; SPECIAL EDUCATION
Disciplinary actions
–Harassment, 5:4965
Discrimination
–Equal educational opportunity
See EQUAL EDUCATIONAL OPPORTUNITY
–Equal employment opportunity, 5:30, 5:31
–New careers in education programs, prohibition, 5:13016
–Professional development and program improvement programs, prohibition, 5:13043

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Discrimination–*continued*
–Teachers, by, 5:80338
Diseases
See TEACHERS, subheading: Contagious diseases
Diversity, cultural
See Cultural diversity, this heading
Driver education, 5:10020-5:10043
–Classroom instruction, 5:10020
–Laboratory instruction, 5:10040-5:10043
––Automobile standards, 5:10042
––Contents, 5:10040, 5:10043
––Hours, 5:10043
––Plan, annual, 5:10043
––Pupil eligibility, 5:10041
–Special education program, 5:3051.8
–Teaching credentials, subject matter programs, 5:80037.5
Early retirement incentives, audits, 5:19830-5:19830.1
Economically disadvantaged pupils
–Gifted and talented pupil program, 5:3840
Educationally disadvantaged pupils
–Compensatory education
See Compensatory education, this heading
Education improvement incentive program, 5:1030
Education technology grant program, 5:90000-5:90009
Elementary schools
–Admittance to first grade, 5:200
–Attendance records, 5:401
–Class size reduction, kindergarten to grade 3, 5:15130-5:15133
–Professional development and program improvement programs, 5:13025-5:13044
See also TEACHERS
–Pupil organizations, food sales, 5:15500
–Reading instruction program
See Reading instruction, this heading
–Special teacher employment programs, 5:12050-5:12052
Emergencies
–Average daily attendance, 5:428
–Bus evacuation instructions, 5:14102
–Civil defense and disaster preparedness, 5:560
Employees, nonteaching
–Development programs, consolidated categorical aid programs, 5:3933
–Equal employment opportunity, 5:30, 5:31
–Injury to, by pupil, 5:305
English language development test, 5:11510-5:11517.5
English language education for immigrant children, 5:11300-5:11305
Enhancing education through technology grant program, 5:11971-5:11979.5
Environmental health and safety, 5:630-5:632
Equal educational opportunity, 5:4900-5:4965
See also EQUAL EDUCATIONAL OPPORTUNITY
Equivalency certificates, high school, 5:11530-5:11532
Ethics
–Athletic coaches, 5:5596
–Teachers, employment by other school, 5:5500
Ethnic segregation
See EQUAL EDUCATIONAL OPPORTUNITY
Extracurricular activities
–After School Education and Safety Program, audits, 5:19846
–Attendance records, 5:405
–Nondiscrimination, 5:4925-5:4927
–Supervision, 5:5531
–Transportation to school, 5:307
Family status, nondiscrimination, 5:4914
Federal laws and regulations, applicability
–Consolidated categorical aid programs, 5:3921
–Equal educational opportunity, 5:4902
–Special education
See SPECIAL EDUCATION
–State compensatory education programs, 5:4401
Fingerprinting
–Pupils, 5:640, 5:641

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Fingerprinting–*continued*
–Teacher credential applicant, 5:80442, 5:80481
Fire drills, 5:550
First grade, admittance, 5:200
Food programs
See Nutrition programs, this heading
Foreign language instruction in private school, credit for, 5:1632
Formation of new district
See Newly formed districts, this heading
Fruits and vegetables promotion, California Fresh Start pilot program, 5:15566-5:15568
–Definitions, 5:15567
–Participation requirements, 5:15568
–Purpose, 5:15566
–Scope, 5:15566
GED certificates, 5:11530-5:11532
Gifted and talented pupil program, 5:3820-5:3870
See also GIFTED AND TALENTED PUPIL PROGRAM
Governing boards, 5:16000-5:16043
–Admittance to first grade, adoption of regulations, 5:200
–Buses
––Conduct of pupils, adoption of rules, 5:14103
––Evacuation instructions, dissemination, 5:14102
–Child development fund, order for transfer of funds to, 5:15051
–Civil defense and disaster preparedness plans, 5:560
–Continuation education director, appointment, 5:11000
–Continuation high schools, establishment, 5:11004
–Contracts
See Contracts, this heading
–Definition, 5:2
–Destruction of records
See Records and reports, this heading
–Development center for handicapped pupils fund, order for transfer of funds to, 5:15051
–Driver education, pupil eligibility regulations, 5:10041
–Independent study policies, adoption, 5:11701
–Inventory of equipment, 5:16035
–Mentor teacher program, resolution to participate, 5:11250
–Mentor teachers, nomination, 5:11254
–Records custodian, appointment, 5:431
–Safety patrols, establishing, 5:570
Governor's Performance Award Program of the Public Schools Accountability Act, implementation of, 5:1031-5:1039
Grade, definition, 5:2
Grade 9 class size reduction, 5:15140-5:15141
Guidance services
See Counseling and guidance services, this heading
Handicapped pupils
See SPECIAL EDUCATION
Health care services
–Coordination, 5:17320-5:17322
Health education, comprehensive
–Application for, 5:11801
–Approval of plans, 5:11800
Healthy start program grants, 5:11900-5:11930
Hearings
–Instructional materials, adoption, 5:9521-5:9524
–Pupil records, challenging, 5:436
–Special education, due process hearing, 5:3082
Hearing screening
–Driver education, 5:10041
–Special education programs, 5:3027, 5:3028
High school equivalency certificates, 5:11530-5:11532
–Definitions, 5:11530
–Eligibility to take test, 5:11532
–Testing centers, approval, 5:11531
High school exit examination, 5:1200-5:1225
See also PUPILS, subheading: Testing
High school proficiency certificates, 5:11520-5:11523
–Attendance exemption form, 5:11522
–Definition of parent, 5:11520

SCHOOLS AND SCHOOL DISTRICTS–*continued*
High school proficiency certificates–*continued*
–Examinations, announcement, 5:11523
–Transcript, recording on, 5:11521
High schools
See SECONDARY SCHOOLS
Home instruction
See HOME INSTRUCTION
Hospital instruction
–Attendance records, 5:406
–Special education, 5:3051.4
––Chronically ill pupils, 5:3051.17
Immigrant children
–English language development test, 5:11510-5:11517.5
–English language education, 5:11300-5:11305
Independent study programs, 5:11700-5:11705
–Agreements, 5:11702
–Charter schools
––Additional definitions, 5:11700.1
––High school graduation requirements, 5:11705
––Pupil-teacher ratio, 5:11704
–Definitions, 5:11700, 5:11700.1
–Gifted and talented pupils, 5:3840
–Policies, 5:11701
–Records and reports, 5:11703
–Resources and services, equitable provision, 5:11701.5
Indian education centers, 5:11996-5:11996.11
Inspections
–Nutrition education programs, 5:15535
Institutional instruction
–Attendance records, 5:406
Instructional materials, 5:9511-5:9530
–Acquisition, 5:9527-5:9530
–Adoption procedures, 5:9511-5:9524
––All subject matter adoptions, 5:9511
––Complaints and comments, submission of, 5:9520
––Definitions, 5:9515
––Display, preliminary, 5:9519
––Follow-up adoptions, 5:9517.1
––Hearings, 5:9521-5:9524
––Invitation to submit basic instructional materials for adoption, 5:9517
––Public statements, 5:18533
––Social content review, 5:9518
––Standards for adoption, 5:9511
––Submission of instructional materials, 5:9517
–Alternate formats, 5:9528
–Audits, 5:19828-5:19828.2
––Proposition 20 lottery funds, 5:19834
–Complaints, 5:4681
–Curriculum commission
––Advisory task forces and committees, 5:9516
––Comments, submission of, 5:9520
––Complaints, submission of, 5:9520
––Hearings, 5:9521-5:9524
–Definitions, 5:9515
–Evaluation of materials, 5:9506
–Expanding grade levels, funding, 5:9532
–First year of operation, funding, 5:9532
–Free of charge, 5:9527
–Learner verification of materials, 5:9506
–New editions, 5:9529
–Nonadopted materials, request to purchase, 5:9535
–Ordering of, 5:9530
–"Under review," defined, 5:17101
Instructional television, 5:19500-5:19506
–Allowance claim, 5:19503, 5:19504
–Applicability of regulations, 5:19500
–Approval, application for, 5:19502
–Definitions, 5:19501
–Planning, 5:19505
–Scope of regulations, 5:19500
–Study guides, 5:19506
Instructional time, audits of, 5:19824
Instructional time and staff development reform program, 5:6000-5:6002
–Audits, 5:19823
Insurance
–Motor vehicles, 5:17305, 5:17306
Interpreters for special education assessments, 5:3023

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Junior high schools
See SECONDARY SCHOOLS
Language requirements
–English language development test, 5:11510-5:11517.5
–English language education, 5:11300-5:11305
Leroy Greene California Assessment of Academic Achievement Program, 5:800-5:802
Libraries
See LIBRARIES
Lunch and breakfast programs, 5:15550-5:15565
–Administration, 5:15553, 5:15554
–Agreements, 5:15554
–Applicability of regulations, 5:15550
–Application for funding, 5:15555
–Basic breakfast, 5:15559
–Child nutrition entities
––Definition, 5:15551
––Powers and duties, 5:15557
–Definitions, 5:15551
–Eligibility for funding, 5:15552
–Modification of requirements, 5:15561
–Needy pupils, 5:15563
–Nutritional adequacy, 5:15558
––Needy pupils, 5:15563
–Reimbursement
––Claims, 5:15556
––Eligible meals, 5:15562
––Procedures, 5:15564
––Rate change, notice, 5:15565
–Scope of regulations, 5:15550
–Special breakfast, 5:15560
Marital status, nondiscrimination, 5:4914
Mathematics and reading professional development program, 5:11980-5:11985.6
Meals
–Fruits and vegetables, California Fresh Start pilot program, 5:15566-5:15568
–Needy pupils
––Definitions, 5:15510
––Revenue limits, increase, 5:15391
Medication, administration to pupils, 5:600-5:611
Mentor teacher programs
See TEACHERS
Miller-Unruh Basic Reading Act of 1965
See Reading instruction, this heading
Newly formed districts
See also Reorganization of school districts, this heading
–Elementary school reading instruction program, funding, 5:11236
–Pupil transportation allowances, 5:15340-5:15343
––Bus replacement allowance, 5:15322
–Revenue limits, increase, 5:15390
No child left behind
–Supplemental services providers, 5:13075-5:13075.4
–Teacher requirements, 5:6100-5:6126
Nonresidents, tuition, 5:15000
–Military reservation residents, emergency allowance, 5:17273
Noon intermission, detention of pupil during, 5:352
Notice
–Complaint procedures
––State procedures, 5:4640
––Uniform procedures, 5:4622
–English language learners, language of notices to parents, 5:11316
–High school exit examination, parent notification, 5:1208
–High school proficiency examinations, announcement, 5:11523
–Home or institutional instruction costs, reimbursement, 5:15188
–Pupil records
––Inspection, 5:435
––Transfer, 5:438
–Sexual harassment, 5:4917
–Special education
See SPECIAL EDUCATION
–Teachers, employment, 5:5501
–Williams complaints, 5:4684
Nutrition education, 5:15530-5:15535

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Nutrition education–*continued*
–Applicability of regulations, 5:15530
–Application for funding, 5:15532
–Approval of funding application, 5:15533, 5:15534
–Budgets, 5:15535
–Eligibility for funding, 5:15531
–Inspections, 5:15535
–Management of project, 5:15535
–Records and reports, 5:15535
–Scope of regulations, 5:15530
Nutrition programs, 5:15500-5:15565
–Education
See Nutrition education, this heading
–Federal donations of food commodities, 5:19540
–Fruits and vegetables, California Fresh Start pilot program, 5:15566-5:15568
–Lunch and breakfast programs
See Lunch and breakfast programs, this heading
–Meals for needy pupils
––Definitions, 5:15510
––Revenue limits, increase, 5:15391
–Pupil organizations, food sales
––Elementary schools, 5:15500
––Secondary schools, 5:15501
Parental rights and duties
–Absence excuse for child, 5:306
–Gifted and talented program participation, consent, 5:3831
–Pupil records, 5:431
––Challenging contents, 5:436
––Notice of inspection of records, 5:435
––Notice of transfer of records, 5:438
Parental status, nondiscrimination, 5:4914
Pension plans, alternative, audits, 5:19833
"Persistently dangerous" schools
–Criteria, 5:11992
–Data collection, 5:11994
–Definitions, 5:11993
Physical education, 5:10060
–Discrimination prohibited, 5:4920-5:4922
––Equivalent opportunities for each sex, 5:4922
––Single sex teams, 5:4921
Principals
–Achievement tests, certification, 5:1021
–Administrative duties, 5:5551
–Continuation high schools, 5:11004
–Dissemination of information, 5:5553
–Duties, 5:5550-5:5553
–Employment, 5:5550
–Fire drills, conducting, 5:550
–Moral supervision of pupils, 5:5530
–Playground supervision, 5:5552
–Pupil records, powers and duties, 5:431, 5:432
–Training
––Resource centers, 5:11710-5:11715
See also Resource centers, this heading
Private instruction, credit for, 5:1631
Private schools, defined, 5:11965
Professional development programs
See TEACHERS
Proficiency certificates, high school, 5:11520-5:11523
Psychological services
–Nondiscrimination, 5:4930, 5:4931
–Special education programs, 5:3051.10
––Contracts for services, 5:3029
Publications
–Cooperative county publication projects
––Travel expenses, reimbursement, 5:17280-5:17283
–County school service fund budget, 5:17347
Racial segregation
See EQUAL EDUCATIONAL OPPORTUNITY
Reading instruction, 5:11200-5:11237
–Applicability of regulations, 5:11200
–Course content, 5:11220
–Financial reports, 5:11232, 5:11233
–Funding, 5:11230-5:11237
––Application, 5:11230, 5:11231
––Average daily attendance, definition, 5:11235
––Certification of participation, 5:11233
––Newly formed or reorganized districts, 5:11236

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Reading instruction–*continued*
–Funding–*continued*
––Records and reports, 5:11232, 5:11233
––Repayment for nonparticipation, 5:11234
––Small schools, 5:11237
–Professional development program, 5:11980-5:11985.6
–Reading First Achievement Index (RFAI), 5:11991-5:11991.2
–Scope of regulations, 5:11200
–Significant progress, defined, 5:11991.1
–Specialist teacher
––Examination, 5:11215
––Fee for examination and certification, 5:11215
––Funding for salary, 5:11230-5:11237
––Nomination and selection, 5:11210-5:11215
––Panel observation, 5:11212-5:11214
––Petition for nomination, 5:11211
––Scholarships, 5:11202
–Teacher scholarships
See TEACHERS
–Testing program, 5:11201
Recess
–Detention of pupil during, 5:352
–Leaving classroom during, 5:304
–Leaving school premises during, 5:303
Records and reports
–Achievement tests, 5:801
–Adult education, 5:10508
–Alternative schools accountability model pre-post assessments, 5:1074
–Annual financial statements, 5:15070-5:15071
–Attendance records, 5:400-5:424
See also Attendance records, this heading
–Audit reports, 5:19812-5:19814.1
–Classification of records, 5:16022, 5:17404
–Class 1 records, 5:16023
–Class 2 records, 5:16024, 5:17404
–Class 3 records, 5:16025-5:16027, 5:17404
–Community classrooms, 5:10084
–Consolidated categorical aid programs, 5:3941, 5:3944
–Continuation education programs, 5:11005
–Cooperative vocational education, 5:10105
–Definitions, 5:16020, 5:17401
–Destruction, 5:16020-5:16027
––Applicability of regulations, 5:17403
––Classification of records, 5:16022, 5:17404
––County superintendents, 5:17401-5:17404
––Definitions, 5:16020, 5:17401
––Disposable records, 5:16025-5:16027, 5:17404
––Optional records, 5:16024, 5:17404
––Permanent records, 5:16023
––Retention period, 5:16023-5:16027
–Disposable records, 5:16025-5:16027, 5:17404
–Elementary school reading instruction program, financial reports, 5:11232, 5:11233
–High school exit examinations, 5:1205, 5:1206, 5:1208
––Reporting of test scores, 5:1207.5
–High school proficiency certificates, 5:11521
–Independent study, 5:11703
–Inventory of equipment, 5:16035
–New careers in education programs, 5:13014
––Financial records, 5:13015
–No child left behind supplemental services providers, annual reports, 5:13075.3
–Nutrition education programs, 5:15535
–Optional records, 5:16024, 5:17404
–Permanent records, 5:16023
–Professional development and program improvement programs
––Evaluation reports, 5:13039
––Financial records, 5:13042
––Inspection of records, 5:13041
–Pupils, 5:400-5:450
–Regional occupational centers and programs
––Attendance reports, 5:401, 5:406
––Course approval, 5:11503, 5:11504
–Retention period, 5:16023-5:16027
–Safe schools assessment program, 5:700-5:705
See also Safe schools assessment program, this heading

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Records and reports–*continued*
–Special education
See SPECIAL EDUCATION
–Technology grant program
––Barriers to AP online content, 5:90003
––Projected installed base, report, 5:90002
–Vocational education, contracted services, 5:11537
–Williams complaints, 5:4686
Regional occupational centers and programs, 5:11500-5:11508
–Administration, 5:11507
–Applicability of regulations, 5:11500
–Application for establishment, 5:11502
–Attendance records, 5:401, 5:406
–Business, commercial, trade, manufacturing or construction activities, 5:11508
–Counseling and guidance services, 5:11505
–Course approval, 5:11503, 5:11504
–Definitions, 5:11501
–Evaluation, 5:11506
–Facilities and equipment, 5:11504
–Fiscal accountability, 5:11507
–Records and reports
––Attendance reports, 5:401, 5:406
––Course approval, 5:11503, 5:11504
–Sale of products and services, 5:11508
–Scope of regulations, 5:11500
–Teachers, qualifications, 5:11504
Regular day class, definition, 5:2
Regular full-time day school, definition, 5:2
Reorganization of school districts, 5:18570-5:18573
See also Newly formed districts, this heading
–Criteria, 5:18573
–Hearings
––Arguments, presentation, 5:18571
––Resubmitted petitions, 5:18572
––Setting, 5:18570
–Proposal or petition
––Resubmission, 5:18572
––Submission and review, 5:18570
Reports
See Records and reports, this heading
Resource centers, 5:11710-5:11715
–Application to establish, assurances, 5:11712
–Definitions, 5:11710
–Funding, selection for, 5:11713
–Governance, 5:11714
–Interagency agreements, 5:11711
–Policies and procedures, development, 5:11714
–Teacher centers programs, simultaneous funding, 5:11715
Restructuring public education, demonstration grant program, 5:11843, 5:11844
Safe schools assessment program, 5:700-5:705
–Definitions, 5:700
–Reporting requirements
––Certification of report, 5:704
––Documentation, 5:702
––Duties of officials, 5:701
––Failure to submit, 5:705
––Falsification, 5:705
––Guidelines, 5:702
––Periods for reporting, 5:701
Safety patrols, 5:570-5:576
–Age requirement, 5:571
–Crossing signs, 5:575, 5:632
–Establishment, 5:570
–Hours on duty, 5:573
–Insignia, 5:576
–Location, 5:572
–Procedures, 5:574
–Uniforms, 5:576
School lunch and breakfast programs
See Lunch and breakfast programs, this heading
Secondary schools
See SECONDARY SCHOOLS
Security
–Alternative schools accountability model pre-post assessments, 5:1072
–High school exit examinations, 5:1211-5:1211.5
–Improvement programs, funding, 5:4502
Segregation
See EQUAL EDUCATIONAL OPPORTUNITY

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Sexual harassment, 5:4915-5:4917
Shoplifting, programs to discourage, 5:17370
Special education
See SPECIAL EDUCATION
Special schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Staff development
–Certificated Staff Performance Incentive Act, implementation of, 5:1031-5:1039
–Education technology, definitions, 5:11970
–Mathematics and reading program, 5:11980-5:11985.6
–Reform program, 5:6000-5:6002
Standardized testing and reporting (STAR) program, 5:851-5:870
Standards, enforcement, 5:17320-5:17322
State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Summer schools
–Applicability of regulations, 5:11470
–Attendance records, 5:402, 5:406
–Courses authorized, 5:11472
–Professional development and program improvement programs, 5:13034
Superintendents, county, 5:17260-5:17436
–Achievement tests, powers and duties, 5:1024
–Capital outlays, 5:17290-5:17292
–Cooperative county publication projects, reimbursement of travel expenses, 5:17280-5:17283
–Coordination of education programs, 5:17320-5:17322
–Definition, 5:2
–Destruction of records, 5:17401-5:17404
–Educational programs, coordination, 5:17320-5:17322
–Library records, maintenance, 5:5580
–Records
––Destruction, 5:17401-5:17404
––Library records, maintenance, 5:5580
–Revenue limits, 5:15400-5:15408
–Textbook and instructional materials, "under review" defined, 5:17101
–Travel expenses, reimbursement, 5:17430-5:17436
––Cooperative county publication projects, 5:17280-5:17283
Supplemental services providers, 5:13075
Suspended school districts, emergency allowances, 5:17275
Teacher center programs, simultaneous funding with resource centers, 5:11715
Teachers
See TEACHERS
Technology grant program, 5:90000-5:90009
–Assurances from districts, 5:90006
–Calculation of grants, 5:90004
–Definitions, 5:90001
–Early awards, 5:90008
–Enhancing education through technology, 5:11971-5:11979.5
–Extension of application date, 5:90009
–Name of program, 5:90000
–Onsite compliance visits, 5:90007
–Preparation by eligible schools, 5:90005
–Release of funds, 5:90005
–Reports
––Barriers to AP online content, 5:90003
––Projected installed base, 5:90002
Television, instructional
See Instructional television, this heading
Textbooks
See Instructional materials, this heading
Theft, programs to discourage, 5:17370
Traffic safety, 5:570-5:576
See also Safety patrols, this heading
Transfer of pupils
–Records and reports, 5:438
––Special education programs, 5:3024
–Special education programs, 5:3024
Transportation of pupils
–After-school activities, 5:307

SCHOOLS AND SCHOOL DISTRICTS–*continued*
Transportation of pupils–*continued*
–Fees for nonresidents, 5:15000
–Nonresidents, fees, 5:15000
Tuition, nonresidents, 5:15000
–Military reservation residents, emergency allowance, 5:17273
Violence in
–Persistently dangerous schools, 5:11992-5:11994
–Prevention program, 5:11987-5:11987.7
––Applications for grants, 5:11987.1-5:11987.2
––Award of grant, 5:11987.3
––Purpose, 5:11987
––Reimbursement of expenditures, 5:11987.6
––Reporting requirements, 5:11987.5
––Training grant, 5:11987.7
––Use of funds, 5:11987.4
Vocational education
–Community classrooms
See Community classrooms, this heading
–Contracts, 5:11535-5:11538
––Approval, application for, 5:11536
––Definitions, 5:11535
––Fiscal accountability, 5:11537
––Records and reports, 5:11537
––Standards, 5:11537
––Terms and conditions, 5:11538
–Cooperative vocational education
See Cooperative vocational education, this heading
–Courses, review by regional councils, 5:11611
–Regional councils
––Course review criteria, 5:11611
––Selection of members, 5:11610
–Regional occupational centers and programs
See Regional occupational centers and programs, this heading
–Special education programs, 5:3051.14
––Nonpublic, nonsectarian school and agency services, 5:3065
–Work experience programs, 5:10071
Weapons
–"Persistently dangerous" schools, 5:11992-5:11994
–Reporting requirements, 5:700-5:705
Williams complaints, 5:4680-5:4687
Work experience programs, 5:10070-5:10075
–Attendance records, 5:405, 5:406
–Classroom instruction, 5:10073
–Credit for graduation, 5:1635
–Exploratory, 5:10071
–General, 5:10071
–Plan, 5:10070
–Supervision of pupils, 5:10074
–Teacher-coordinator, qualifications, 5:10075
–Training agreements, 5:10071
–Vocational, 5:10071
–Work stations, selection and approval, 5:10072

SCOOTERS
University and college campuses, on, 5:42353.1

SECONDARY SCHOOLS
Admittance, 5:201
Attendance records, 5:401
Compensatory education program, 5:4403
Continuation high schools, 5:11004
Definition, 5:2
Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9, 5:12090-5:12099
Diplomas
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Diplomas, high school
Education improvement incentive program, 5:1030
Exit examination, 5:1200-5:1225
See also PUPILS, subheading: Testing
Graduation, 5:1600-5:1651
–Charter school as alternative school, 5:11705
–Continuation education programs, 5:11004
–Credits
––Armed service members, 5:1634
––Correspondence instruction, 5:1633
––Foreign language instruction in private school, 5:1632

SECONDARY SCHOOLS–*continued*
Graduation–*continued*
–Credits–*continued*
––Private instruction, 5:1631
––Work experience, 5:1635
–Definitions, 5:1600
–Diplomas
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Diplomas, high school
No child left behind teacher requirements, 5:6110-5:6113
"Persistently dangerous" schools, 5:11992-5:11994
Pupil organizations, food sales, 5:15501
Technology grant program, 5:90000-5:90009

SECURITY
High school exit examination, 5:1211-5:1211.5
School security improvement, funding, 5:4502

SEGREGATION
See EQUAL EDUCATIONAL OPPORTUNITY

SEX EQUITY IN EDUCATION ACT
Community colleges, discrimination prohibition, 5:59300-5:59362

SEX OFFENSES
School reporting requirements, 5:700-5:705
Teacher credential, grounds for denial, 5:80301

SEXUAL ABUSE
University orientation programs, educational and preventive information, 5:41550

SEXUAL HARASSMENT
Schools and school districts, 5:4915-5:4917

SHOPLIFTING
School programs to discourage, 5:17370

SKATEBOARDING
University and college campuses, on, 5:42353.1

SMOKING
State universities and colleges, 5:42356

SOCIAL WORKERS
Special education services, 5:3051.13
–Nonpublic, nonsectarian school and agency services, 5:3065

SOLICITING
Community colleges, student credit cards, 5:54400
State universities and colleges, at, 5:42350.5, 5:42350.6
–Employee organizations, 5:43708

SPECIAL EDUCATION, 5:3000-5:3089
Adapted physical education, 5:3051.5
Administration by other public agencies, 5:3010
Aides
–Language, speech and hearing services, 5:3051.1, 5:3051.18
–Special classes, 5:3053
Aids
–Nonpublic, nonsectarian school and agency services, 5:3064
Appeals
–Nonpublic, nonsectarian school and agency services certification, 5:3068
Applicability of regulations, 5:3000
Assessment, 5:3021-5:3029
–Audiological, 5:3028
–Eye specialist, by, 5:3051.7
–Home instruction, medical report, 5:3051.4
–Plan, 5:3022
–Procedure, 5:3023
–Psychological, 5:3029
–Referral for, 5:3021
––Chronically ill pupils, 5:3021.1
Assistive technology services
–Nonpublic, nonsectarian school and agency services, 5:3065
Attendance
–Extended school year, 5:3043
–Records, 5:406
Audiological assessments, 5:3028
Audiological services, 5:3051.2
–Nonpublic, nonsectarian school and agency services, 5:3065
Autistic-like behaviors, eligibility, 5:3030

SPECIAL EDUCATION–*continued*
Behavioral intervention, 5:3052
–Definition, 5:3001
–Nonpublic, nonsectarian school and agency services, 5:3065
Birth to four years and nine months
–Eligibility, 5:3031
–Physical and occupational therapy, 5:3051.6
Career development, 5:3051.14
Caseloads of resource specialists, waivers, 5:3100
Cerebral palsied pupils, emergency allowances, 5:17273
Certification
–Nonpublic, nonsectarian school and agency services
––Application, 5:3060
Chronically ill pupils
–Eligibility, 5:3030
–Referrals, 5:3021.1
–Services for, 5:3051.17
Complaint procedures, 5:3080-5:3089, 5:4600-5:4671
–Administrative Procedure Act, provisions not applicable, 5:3089
–Decisions with precedential effect, 5:3085
–Due process hearings, 5:3082
–Ex parte communications, 5:3084
–General provisions, 5:3080
–Local procedures
––Appeal of decision, 5:4632-5:4633
––Local agency's responsibilities, 5:4631
––Procedures, 5:4630
––Time lines, 5:4630
–Mediation, 5:3086
–Sanctions, 5:3088, 5:3088.1
–Service of notice, 5:3083
–Settlements, 5:3087
–State procedures
––Appeal, 5:4640
––Department investigation procedures, 5:4663
––Department investigation report, 5:4664
–––Reconsideration, 5:4665
––Direct state intervention
–––Basis, 5:4650
–––Notice, 5:4651
––Enforcement, 5:4670
––First filing, 5:4640
––Investigation timeline, 5:4662
––Notice, 5:4640
––Resolution procedures, 5:4660
––Time lines, 5:4640
–Uniform procedures
––Definitions, 5:4600
––Local educational agency compliance
–––District policies and procedures, 5:4621
–––Notice, 5:4622
–––Responsibilities, 5:4620
––Purpose, 5:4610
––Referrals, 5:4611
––Scope, 5:4610
Contracts
–Definition, 5:3001
–Nonpublic, nonsectarian school and agency services, 5:3062
–Physical and occupational therapy services, 5:3051.6
–Psychological services, 5:3029
Coordination of services, 5:17320-5:17322
Counseling and guidance services, 5:3051.9
–Nonpublic, nonsectarian school and agency services, 5:3065
–Parents, 5:3051.11
Definitions, 5:3001
–Extended year, 5:3043
–Health services, 5:3051.12
Designated instruction and services (DIS), 5:3051
Diagnostic schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Driver training instruction, 5:3051.8
–Nonpublic, nonsectarian school and agency services, 5:3065
Early education programs for individuals with exceptional needs

SPECIAL EDUCATION–*continued*
Early education programs for individuals with exceptional needs–*continued*
–Nonpublic, nonsectarian school and agency services, 5:3065
Education for All Handicapped Children Act, applicability, 5:3000
Eligibility, 5:3030
–Birth to four years and nine months, 5:3031
Emergency communication system, 5:3054
Emotional disturbance, eligibility, 5:3030
Equipment
–Health care services, 5:3051.12
Extended school year, 5:3043
Facilities
–Health care services, 5:3051.12
–Integrated, design standards, 5:14036
Federal laws and regulations, applicability, 5:3000
–Audiological services, 5:3051.2
–Complaint procedures, 5:3080, 5:3082
Funding withheld to enforce compliance, 5:3088.1, 5:3088.2
Graduation, nonpublic, nonsectarian school and agency services, 5:3070
Health impairment
–Eligibility, 5:3030
–Services, 5:3051.12
Health services
–Nonpublic, nonsectarian school and agency services, 5:3065
Hearing impairment
–Eligibility, 5:3030
–Interpreters, certification, 5:3051.16
–Programs and services, 5:3051.1, 5:3051.2, 5:3051.18
–Screening, 5:3027, 5:3028
–State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Hearings, 5:3082
High school, transfer to, 5:3024
–Nonpublic, nonsectarian school and agency services, 5:3069
Home instruction, 5:3051.4
–Chronically ill pupils, 5:3051.17
Hospital instruction, 5:3051.4
–Chronically ill pupils, 5:3051.17
Individualized program, 5:3040
–Chronically ill pupils, 5:3021.1
–Counseling and guidance services, 5:3051.9
–Designated instruction and services, 5:3051
–Driver training, 5:3051.8
–Extended school year, 5:3043
–Nonpublic, nonsectarian school and agency services, review, 5:3069
–Placement, 5:3042
Individuals with exceptional needs
–Nonpublic, nonsectarian school and agency services, early education programs for, 5:3065
Institutional instruction, 5:3051.4
–Chronically ill pupils, 5:3051.17
Intellectual impairment, eligibility, 5:3030
Interagency agreements, 5:3000, 5:3010
Interpreter services
–Nonpublic, nonsectarian school and agency services, 5:3065
Interpreters for assessments, 5:3023
Language development and remediation, 5:3051.1, 5:3051.18
–Nonpublic, nonsectarian school and agency services, 5:3065
Language disorder, eligibility, 5:3030
Local education agencies
–Definition, 5:3001
Low-incidence disabilities, specialized services, 5:3051.16
Medical services, 5:3051.12
Mobility instruction, 5:3051.3
–Nonpublic, nonsectarian school and agency services, 5:3065
Nonpublic, nonsectarian school and agency services
–Books and records, 5:3061
–Certification

SPECIAL EDUCATION–*continued*
Nonpublic, nonsectarian school and agency services–*continued*
–Certification–*continued*
––Appeals, 5:3068
––Application, 5:3060
––Status, 5:3067
––Waivers, 5:3068
–Contracts and agreements, 5:3062
–Cost data, 5:3061
–Definition, 5:3001
–Designated instruction and services, 5:3065
–Graduation, 5:3070
–Master contracts, 5:3062
–Onsite reviews, 5:3063
–Out-of-state schools, 5:3066
–Review of individualized program, 5:3069
–Staff qualifications, 5:3064-5:3065
Notice
–Complaint procedures
––State procedures, 5:4640
––Uniform procedures, 5:4622
Nursing services, 5:3051.12
–Nonpublic, nonsectarian school and agency services, 5:3065
Occupational therapy, 5:3051.6
–Nonpublic, nonsectarian school and agency services, 5:3065
Orientation instruction
–Nonpublic, nonsectarian school and agency services, 5:3065
Orthopedic impairment, eligibility, 5:3030
Out-of-state schools
–Nonpublic, nonsectarian school and agency services, 5:3066
Parent counseling and training, 5:3051.11
–Nonpublic, nonsectarian school and agency services, 5:3065
Physical education, adapted programs, 5:3051.5
–Nonpublic, nonsectarian school and agency services, 5:3065
Physical therapy, 5:3051.6
–Nonpublic, nonsectarian school and agency services, 5:3065
Placement, 5:3042, 5:80046.5
–Home instruction, 5:3051.4
Positive behavioral interventions, 5:3052
Primary language
–Definition, 5:3001
Programs and services, 5:3051-5:3054
–Coordination, 5:17320-5:17322
Psychological impairment, eligibility, 5:3030
Psychological services, 5:3051.10
–Contracts, 5:3029
–Nonpublic, nonsectarian school and agency services, 5:3065
Records and reports
–Attendance records, 5:406
–Behavioral emergency reports, 5:3052
–Health care services, 5:3051.12
–Home instruction placement, medical report, 5:3051.4
–Nonpublic, nonsectarian school and agency services, 5:3061
–Transfer, 5:3024
Recreation services, 5:3051.15
–Nonpublic, nonsectarian school and agency services, 5:3065
Referrals, 5:3021
–Chronically ill pupils, 5:3021.1
Rehabilitation Act of 1973, applicability, 5:3000
Sanctions, 5:3088, 5:3088.1
School year
–Extended school year, 5:3043
Scope of regulations, 5:3000
Services
–Definitions, 5:3001
Social worker services, 5:3051.13
–Nonpublic, nonsectarian school and agency services, 5:3065
Special centers, 5:3054
Special classes, 5:3053
–Integrated facilities, 5:14036
Specialized services

SPECIAL EDUCATION–*continued*
Specialized services–*continued*
–Low-incidence disabilities, 5:3051.16
–Physical health care, 5:3051.12
Speech development and remediation, 5:3051.1, 5:3051.18
–Nonpublic, nonsectarian school and agency services, 5:3065
Speech disorder, eligibility, 5:3030
Staff
–Adapted physical education, 5:3051.5
–Audiological clinical and rehabilitative specialist, 5:3051.2
–Eye specialist, 5:3051.7, 5:3051.75
–Home instruction, 5:3051.4
–Language, speech and hearing specialists, 5:3051.1
–Medical personnel, 5:3051.12
–Nonpublic, nonsectarian school and agency services; qualifications, 5:3064-5:3065
–Nurses, 5:3051.12
–Occupational therapist, 5:3051.6
–Orientation and mobility specialist, 5:3051.3
–Physical therapist, 5:3051.6
–Physicians, 5:3051.12
–Special classes, 5:3053
–Student loans for teacher training, 5:5720-5:5722
–Substitute teachers, 5:80025.4
State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Substitute teachers, 5:80025.4
Therapy services
–Nonpublic, nonsectarian school and agency services, 5:3065
Transcribing services
–Nonpublic, nonsectarian school and agency services, 5:3065
Transfer of pupils, 5:3024
–Nonpublic, nonsectarian school and agency services, 5:3069
Transportation of pupils
–Definitions, 5:15243
–Expense records and reports, 5:15256
––Exclusions from, 5:15271
Vision impairment
–Eligibility, 5:3030
–Screening, 5:3027
–Services and therapy, 5:3051.7, 5:3051.75
––Nonpublic, nonsectarian school and agency services, 5:3065
–State schools
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Vocational education, 5:3051.14
–Nonpublic, nonsectarian school and agency services, 5:3065
Waivers
–Nonpublic, nonsectarian school and agency services certification requirements, 5:3068
–Resource specialist caseloads, 5:3100

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS
Special education programs
–Nonpublic, nonsectarian school and agency services, 5:3065

STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
Admissions
–California School for the Blind, 5:17664-5:17667
–California School for the Deaf, 5:17660-5:17663
Assessments, 5:3025
California School for the Blind admissions, 5:17664-5:17667
–Day program, 5:17666
–Definitions, 5:17664
–Process, 5:17665
–Residential program, 5:17667
California School for the Deaf admissions, 5:17660-5:17663
–Day program, 5:17662
–Definitions, 5:17660
–Process, 5:17661

STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS–*continued*
California School for the Deaf admissions–*continued*
–Residential program, 5:17663
Definitions
–California School for the Blind admissions, 5:17664
–California School for the Deaf admissions, 5:17660
–Pay plans for exempt teaching staff, 5:17601
–Tenure, 5:17630.2
–Termination of supervisor or manager, 5:17644
–Work days and vacation credits, 5:17625
Exempt staff
–Layoffs, 5:17638-5:17642
–Pay plans for teaching staff, 5:17600-5:17609
–Tenure, 5:17630.1-5:17632
–Termination of supervisor or manager, 5:17643-5:17650
–Work days and vacation credit, 5:17624-5:17629
Layoffs of exempt staff, 5:17638-5:17642
–Acceptance of, 5:17642
–Area of layoff, 5:17640
–Notice, 5:17641
–Order of layoff, 5:17640
Notice
–Layoffs, 5:17641
–Termination of supervisor or manager, 5:17646
Pay plans for exempt teaching staff, 5:17600-5:17609
–Applicability of regulations, 5:17600
–Appointment effective date, 5:17605
–Calendar, 5:17602
––Amendment, 5:17603
–Classification of employees, 5:17604-5:17604.1
–Definitions, 5:17601
–Failure to meet requirements, 5:17605.1
–Fiscal year employees, 5:17608
–Holidays, 5:17602
–Personal leave days, 5:17609
–Readers for the blind, 5:17608
–School term employees, 5:17606
–Substitute teachers, 5:17608
–Summer session, 5:17602
–Summer session employees, 5:17607
Referrals to, 5:3025
Supervisors and managers
–Tenure, acquisition of, 5:17632
–Terminations, 5:17643-5:17650
Tenure rights of exempt staff, 5:17630.1-5:17632
–Acquisition of, 5:17631
––Supervisory and managerial employees, 5:17632
–Definitions, 5:17630.2
Termination of supervisor or manager, 5:17643-5:17650
–Appeals, 5:17648
–Applicability of rules, 5:17643
–Appointment after termination, 5:17650
–Categories and classifications of employees, 5:17644
–Definitions, 5:17644
–Notice, 5:17646
Vacations, 5:17625-5:17629
–Applicability of rules, 5:17624
––Categories and classifications of employees, 5:17626
–Definitions, 5:17625
–Fiscal year employees, 5:17628
–Readers for the blind, 5:17629
–Substitute teachers, 5:17629
–Summer session employees, 5:17629
Work days
–Applicability of rules, 5:17624
––Categories and classifications of employees, 5:17626
–Definitions, 5:17625
–School term employees, 5:17627

STATE TEACHERS' RETIREMENT SYSTEM
See TEACHERS' RETIREMENT SYSTEM

STUDENT AID, 5:30000-5:30706
Appeals
–Governor's scholarships, 5:31007

STUDENT AID–*continued*
Assumption program of loans for education (APLE), 5:30701-5:30709
Board of governors grants
See COMMUNITY COLLEGES
Cal grants, 5:30000-5:30033
–Academic achievement and potential standards, 5:30020
–Academic year, definition, 5:30000
–Cal Grant B entitlement criteria, 5:30024
–Change in school or college, 5:30022
–Choice of school or college, eligibility criteria, 5:30021
–College grade point average, 5:30007
–Competitive awards, Cal Grant A and B selection criteria, 5:30025
–Definitions, 5:30000-5:30009
––Academic year, 5:30000
––College grade point average, 5:30007
––Eligible applicant, 5:30002
––Full-time student, 5:30003
––Grant recipient, 5:30001
––High school grade point average, 5:30008
––Part-time student, 5:30004
––Qualifying institution, 5:30009
––Undergraduate course, 5:30005
–Eligibility
––Academic achievement and potential criteria, 5:30020
––Change in school or college, 5:30022
––Choice of school or college, 5:30021
––Definition of eligible applicant, 5:30002
––Extension, 5:30005
–Financial need eligibility
––Adoption of standards, 5:30006
––Change of school, redetermination, 5:30022
–Full-time student, definition, 5:30003
–Grade point average
––College, 5:30007
––High school, 5:30008
––In lieu test scores, 5:30023
––Reestablishing, 5:30026
–Grant recipient, definition, 5:30001
–High school grade point average, 5:30008
–Leaves, effect, 5:30030
–Occupational talents criteria, 5:30027
–Part-time student, definition, 5:30004
–Qualifying institutions, 5:30009
–Refund of unused funds, 5:30032
–Test scores in lieu of grade point averages, 5:30023
–Undergraduate course, definition, 5:30005
–Use of grant funds, 5:30001, 5:30030-5:30033
––Leaves, effect, 5:30030
––Refund of unused funds, 5:30032
––Tuition and fees only, 5:30031
––Withdrawal of grant, 5:30033
–Withdrawal of grant, 5:30033
California guaranteed student loans
–Institutions eligible, limitation, suspension, or termination, 5:30300-5:30315
––Appeals, 5:30313
––Applicability of regulations, 5:30300
––Arbitration, 5:30312
––Civil penalties, 5:30308
––Consent agreements, 5:30309
––Consequences, 5:30305-5:30307
––Costs of hearings, 5:30311
––Definitions, 5:30301
––Effective date, 5:30303
––Emergency actions, 5:30302, 5:30304
––Fines, 5:30308
––Grounds for, 5:30302
––Hearing officers, powers and duties, 5:30310
––Hearings, 5:30303, 5:30309-5:30312
––Initiation of action, 5:30303
––Notice, 5:30303, 5:30312
––Penalties, 5:30308
––Prehearing conferences, 5:30309
––Purpose, 5:30300
––Records of hearings, 5:30311
––Reimbursements, 5:30312
––Reinstatement after termination, 5:30315
––Removal of limitation, 5:30314

STUDENT AID–*continued*
California guaranteed student loans–*continued*
–Institutions eligible, limitation, suspension, or termination–*continued*
––Response of institution, 5:30303
California loans to assist students
–Institutions eligible, limitation, suspension, or termination, 5:30300-5:30315
––Appeals, 5:30313
––Applicability of regulations, 5:30300
––Arbitration, 5:30312
––Civil penalties, 5:30308
––Consent agreements, 5:30309
––Consequences, 5:30305-5:30307
––Costs of hearings, 5:30311
––Definitions, 5:30301
––Effective date, 5:30303
––Emergency actions, 5:30302, 5:30304
––Fines, 5:30308
––Grounds for, 5:30302
––Hearing officers, powers and duties, 5:30310
––Hearings, 5:30303, 5:30309-5:30312
––Initiation of action, 5:30303
––Notice, 5:30303, 5:30312
––Penalties, 5:30308
––Prehearing conferences, 5:30309
––Purpose, 5:30300
––Records of hearings, 5:30311
––Reimbursements, 5:30312
––Reinstatement after termination, 5:30315
––Removal of limitation, 5:30314
––Response of institution, 5:30303
Commission
–Appeals to
––Limitation, suspension, or termination of institution's eligibility, 5:30313
––Paul Douglas Teacher Scholarship Program, 5:30513
–Conflict of interest code, 5:30060
Community colleges
–Board of governors grants
See COMMUNITY COLLEGES
–Extended opportunity programs and services
See COMMUNITY COLLEGES
–Real estate education endowment fund
See COMMUNITY COLLEGES
–Veterans residing 60 miles away, 5:54200
Definitions
–Cal grants, 5:30000-5:30009
–Eligibility of institutions, 5:30301
–Golden State Scholarshare Trust Program, 5:30950
–Governor's scholarships, 5:31000
–National Guard, assumption of school loans, 5:30710
–Nurses in state facilities, assumption of school loans, 5:30920
–Nursing faculty, assumption of school loans, 5:30910
Extended opportunity programs and services
See COMMUNITY COLLEGES
Federal Family Education Loan Program, 5:30901-5:30904
–Cancellation of non-disbursed loan guarantees, 5:30904
–Insurance premium rate, 5:30901
–Lender agreement, 5:30902
–Lender and school reviews, 5:30903
–Reserve fund, fiscal soundness, 5:30901
–Transmittal of manifest and fees, 5:30904
Federal supplemental loans
–Assumption program of loans for education (APLE), 5:30701
Fraud, 5:30302
Golden State Scholarshare Trust Program, 5:30950-5:30959
–Account information, 5:30956
–Annual report, 5:30956
–Cancellation penalty, 5:30953
–Change of account ownership, 5:30955
–Change of beneficiary, 5:30952
–Definitions, 5:30950
–Dispute resolution, 5:30957
–Distributions, 5:30954

STUDENT AID–*continued*
Golden State Scholarshare Trust Program–*continued*
–Eligibility, 5:30951
–Excess contributions, 5:30953
–Opening accounts, 5:30951
–Penalty, 5:30953
–Qualified scholarship accounts, 5:30959
–Registration of custodial account, 5:30951.1
–Rollover distributions, 5:30958
Governor's scholarships, 5:31000-5:31007
–Accuracy of information, 5:31003
–Appeals, 5:31007
–Claiming award, 5:31001
–Definitions, 5:31000
–Distribution of award, 5:31004
–Errors in test scores, corrections of, 5:31003
–Forfeiture, 5:31005
–Ownership of award, 5:31002
–Refunds, 5:31006
Independent students, state student incentive grants, 5:30056
Institutions eligible
–State student incentive grants, 5:30058
Loans
–Federal regulations applicable, 5:30300
–National Guard, assumption of loans, 5:30710-5:30718
–Nurses in state facilities, assumption of loans, 5:30920-5:30927
–Nursing faculty, assumption of loans, 5:30910-5:30917
National direct student loans, assumption program of loans for education, 5:30705
National Guard, assumption of school loans, 5:30710-5:30718
–Adjutant General's Office nominations, 5:30712
–Agreements, 5:30715
–Applicant priority, 5:30714
–Applications, 5:30711
–Award process, 5:30713
–Definitions, 5:30710
–Failure to comply, 5:30717
–Payments, 5:30716
–Projections, for funding purposes, 5:30718
Nurses in state facilities, assumption of school loans, 5:30920-5:30927
–Agreements, 5:30924
–Applicant priority, 5:30923
–Applications, 5:30921
–Award process, 5:30923
–Certification from eligible institution, 5:30922
–Definitions, 5:30920
–Failure to comply, 5:30926
–Payments, 5:30925
–Projections, for funding purposes, 5:30927
Nursing faculty, assumption of school loans, 5:30910-5:30917
–Agreements, 5:30914
–Applicant priority, 5:30913
–Applications, 5:30911
–Award process, 5:30913
–Definitions, 5:30910
–Failure to comply, 5:30916
–Nominations by participating institution, 5:30912
–Payments, 5:30915
–Projections, for funding purposes, 5:30917
Paul Douglas teacher scholarship program
See TEACHERS
Penalties for violations, 5:30308
Real estate education endowment fund
See COMMUNITY COLLEGES
State student incentive grants, 5:30050-5:30058
–Academic year, definition, 5:30057
–Amount of grant, 5:30055
–Definitions
––Academic year, 5:30057
––Full-time student, 5:30053
––Part-time student, 5:30054
–Eligibility, 5:30051
–Financial need eligibility, 5:30052
––Independent students, 5:30056
–Full-time student, definition, 5:30053
–Independent students, 5:30056

STUDENT AID–*continued*
State student incentive grants–*continued*
–Institutions eligible, 5:30058
–Part-time student, definition, 5:30054
–Statement of noninterference, 5:30050
Teacher training
See TEACHERS, subheading: Scholarships and loans
Violations, 5:30302

STUDENTS
See COMMUNITY COLLEGES; PUPILS; UNIVERSITIES AND COLLEGES, STATE

SUMMER SCHOOLS
See SCHOOLS AND SCHOOL DISTRICTS

SUPERINTENDENT OF PUBLIC INSTRUCTION
See EDUCATION DEPARTMENT

SURETY BONDS
See BONDS, SECURITY

T

TAXATION
Community colleges, tax levy computation, 5:58305

TEACHER AIDES
See TEACHERS, subheading: Aides

TEACHER CREDENTIALS, 5:80001-5:80690.1
Adapted physical education specialist, 5:80046, 5:80046.1
Additional assignment authorizations, 5:80020-5:80020.5
–Administrative and supervision credentials, 5:80020.3
–Pupil personnel services, 5:80020.5
–Special education, 5:80020.1
Additional authorization, 5:80499
Address, filing, 5:80412
Administrative hearing
–Request for, 5:80317
Administrative services, 5:80054
–Additional assignment authorizations, 5:80020.3
–Authorization, 5:80054.5
–Special education, training requirement, 5:80032.2
Adult education designated subjects credential, 5:80036-5:80036.5
–Basic skills examination exemption, 5:80071.4
–Existing preliminary credential holders, 5:80036.5
–Experience and/or education requirement, 5:80036.2
–Full-time credential, 5:80036
–Part-time credential, 5:80036.1
–Personalized preparation programs, 5:80040.2, 5:80040.2.5, 5:80040.2.7
–Professional growth requirement, 5:80567
–Services authorized, 5:80020.4.1
–Staff developers, 5:80020.4
–Subject classification system, 5:80036.3
–Substitute service, 5:80034.5
Agriculture specialist instruction, 5:80068
Appeals
–Application processing time, 5:80443
–Commission records and reports, challenging, 5:80255
–Designated subjects credential personalized preparation programs, 5:80040.1
–Examinations, 5:80072
Application for, 5:80406
–Character and identification clearance, 5:80301
–Child development permit, 5:80107
–Definition, 5:80001
–Educational requirements, 5:80413-5:80424
–Emergency permits, 5:80023-5:80026
––Limited assignment permits, 5:80027
––Renewal, 5:80026.6
–Exchange certificated credential, 5:80055.1
–Experience in lieu of student teaching, 5:80523.1
–Extension of time to complete prerequisites, 5:80523

TEACHER CREDENTIALS–*continued*
Application for–*continued*
–Fees, 5:80451, 5:80484
–Foreign course work, 5:80457
–Grace period to complete requirements, 5:80473-5:80473.1
–Mailing address, 5:80412
–Out-of-state applicants
––Comparable and equivalent teacher preparation, reciprocity, 5:80430.2
––Direct application, 5:80430.1
––Recommendation for credential, 5:80472
–Out-of-state course work, 5:80457
–Prerequisites
––Experience in lieu of student teaching, 5:80523.1
––Extension of time to complete, 5:80523
–Processing time, 5:80443, 5:80507
–Reading certificate, 5:80014.2
–Renewal, 5:80490
–Sojourn certificated credential, 5:80055.2
–Waivers, 5:80121
––Variable term, 5:80122, 5:80125
Autism, special education services authorized, 5:80047.4
Basic skills examinations, 5:80071.4
–Fees, 5:80487
Bilingual, crosscultural, language and academic development (BCLAD) certificate, 5:80015-5:80015.4
–Emergency permits, 5:80024.2, 5:80024.7
–Examinations, 5:80015.3
–Multiple subjects, 5:80015.4
–Prerequisite, 5:80015.2
–Requirements, 5:80015.1
–Single subject, 5:80015.4
–Validity, period of, 5:80015.2
Bilingual training program
See TEACHERS, subheading: Bilingual education, teacher corps program
Career substitute teaching
–Emergency permits, 5:80025.1
Certificate of clearance, 5:80028
–Fees, 5:80487
Character and identification clearance, 5:80301
Child development permit, 5:80105-5:80116
–Application for, 5:80107
–Assistant permit, 5:80110
–Associate teacher permit, 5:80111
–Definitions, 5:80105
–Denial, suspension, or revocation, 5:80116
–Issuance, 5:80107
–Levels, 5:80109-5:80115
–Master teacher permit, 5:80113
–Private admonition, 5:80116
–Program director permit, 5:80115
–Public reproval, 5:80116
–Renewal, 5:80107
–Site supervisor permit, 5:80114
–Teacher permit, 5:80112
Clear credential
–Administrative services, 5:80054
–Adult education designated subjects credential
––Full-time credential, 5:80036
––Part-time credential, 5:80036.1
––Professional growth requirement, 5:80567
–Designated subjects credential
––Adult education, 5:80036, 5:80036.1
––Professional growth requirement, 5:80567
––Special subjects, 5:80037
––Vocational education, 5:80035, 5:80035.1
–Duration, 5:80553
–Education specialists, 5:80048.4
–Health education coursework prerequisite, 5:80421
–Multiple subjects, 5:80003, 5:80413
––Out-of-state applicant, 5:80413.3
––Professional growth advisor, 5:80556
–Out-of-state applicants
––Multiple subjects, 5:80413.3
––Single subject, 5:80413.3
–Pupil personnel services, 5:80049-5:80049.1
–Reading and language arts specialist, 5:80066
–Renewal, 5:80550-5:80569
––Deadline, 5:80553

TEACHER CREDENTIALS–*continued*
Clear credential–*continued*
–Renewal–*continued*
––Definitions, 5:80550
––Professional growth requirements, 5:80552
–––Activities, 5:80558
–––Adult education designated subjects credential, 5:80567
–––Advisor, 5:80556, 5:80556.1
–––Plan, 5:80554
–––Record, 5:80555
–––Timekeeping, 5:80562
–––Vocational education designated subjects credential, 5:80569
––Professional service requirement, 5:80565
–Resource specialist certificate of competence
––Direct application, 5:80070.2
––Recommendation
–––Higher education institution, by, 5:80070.4
–––Local agency, by, 5:80070.6, 5:80070.7
–School nurse services, 5:80050
–Services credential, professional growth advisor, 5:80556.1
–Single subject, 5:80004, 5:80413
––Authorized subject areas, 5:80005
––Out-of-state applicant, 5:80413.3
––Professional growth advisor, 5:80556
–Specialist credential, 5:80048.2
––Professional growth advisor, 5:80556.1
–Special subjects, designated subjects credential, 5:80037
–Vocational education designated subjects credential
––Full-time credential, 5:80035
––Part-time credential, 5:80035.1
Clinical or rehabilitative services in language, speech and hearing; emergency permits, 5:80024.4, 5:80024.5
Commission
–Appeals and waivers committee procedures, 5:80514-5:80518
–Conflict of interest code, 5:80225
–Executive secretary, powers and duties, 5:80171
–Powers and duties, 5:80171
–Records and reports
––Access to, 5:80255
––Challenging, 5:80255
Committee, 5:80300-5:80339.6
–Confidential investigative report, 5:80316.5
–Consent determinations, 5:80320
–Definitions, 5:80300
–Formal review
––Continuance, 5:80312
––Notice of committee recommendation and findings, 5:80314.5
––Quorum, 5:80314
––Reconsideration of recommendation, 5:80315
––Request for appearance, 5:80311
––Witnesses and testimony, 5:80313
–Initial review, 5:80309.1
–Investigations, 5:80302, 5:80307-5:80307.1
–Medical and psychiatric grounds for administrative hearings, 5:80309
–Misconduct investigations, 5:80302
–Notice
––Administrative hearing request, 5:80317
–Notice of formal review, 5:80310
–Preliminary review, 5:80308
–Presentation of allegations, 5:80306
–Reports of terminations, 5:80303
–Sexual misconduct
––Notice of, 5:80304
Communication handicapped, emergency permits, 5:80024.3
Community colleges
See COMMUNITY COLLEGES, subheading: Credentials
Continuance
–Emergency 30-day substitute teaching credential, 5:80058.2
–Formal review, 5:80312
–Preliminary credential, 5:80058.2
Conversion of sojourn certificated credential, 5:80055.2
TEACHER CREDENTIALS–*continued*
Course and program equivalencies, 5:80094
Crosscultural, language and academic development (CLAD) certificate, 5:80015-5:80015.3
–Duration, 5:80015.2
–Emergency permits, 5:80024.2.1, 5:80024.8
–Examinations, 5:80015.3
–Prerequisite, 5:80015.2
–Requirements, 5:80015
Date of issuance, 5:80440
Definitions, 5:80001
–Child development permit, 5:80105
–Clear credential renewal, 5:80550
–Committee actions, 5:80300
–Denial of certificate, 5:80505
–Designated subjects credential, 5:80034
–Emergency permits, 5:80023.1
–Resource specialist certificate of competence, 5:80070.1
–Rules of conduct, 5:80331
–Unauthorized assignment of personnel, review process to rectify, 5:80339
–Waivers, 5:80121
Denial, 5:80505-5:80522
–Appeals, 5:80509-5:80522
––Administrative hearing by commission, 5:80521
––Administrative services, waiver of experience and prerequisites, 5:80523.3
––Appearance at hearing, 5:80515
––Attendance at hearing, 5:80516
––Commission, to, 5:80521
––Conduct of hearing, 5:80518
––Decision
–––Finality, 5:80522
–––Notice of, 5:80518
––Experience in lieu of student teaching, 5:80523.1
––Extension of time to complete prerequisites, 5:80523
––Grounds for, 5:80509
––Hearings, 5:80514-5:80518
––Initiation of appeal procedure, 5:80512
––Legal representation, 5:80515
––Notice of appeal, 5:80509
––Notice of decision, 5:80518
––Petition, 5:80509
––Procedure, 5:80509
––Recommendation not given, 5:80523.2
––Referral to committee, 5:80512, 5:80514
––Rights of applicant, 5:80515
––Time for filing, 5:80510
––Witnesses and testimony, 5:80515, 5:80516
–Child development permit, 5:80116
–Consent determinations, 5:80320
–Date of denial, 5:80507
–Definitions, 5:80001, 5:80505
–Medical and psychiatric guidelines, 5:80309
–Notice of denial, 5:80506
Designated subjects credential, 5:80034-5:80042.5
–Adult education
––Basic skills examination exemption, 5:80071.4
––Existing preliminary credential holders, 5:80036.5
––Experience and/or education requirement, 5:80036.2
––Full-time credential, 5:80036
––Part-time credential, 5:80036.1
––Personalized preparation programs, 5:80040.2, 5:80040.2.5, 5:80040.2.7
––Professional growth requirement, 5:80567
––Subject classification system, 5:80036.3
––Substitute service, 5:80034.5
–Basic skills examination exemption, 5:80071.4
–Definitions, 5:80034
–Existing preliminary credential holders, 5:80036.5
–Introductory subject matter authorizations, 5:80089.3
–Personalized preparation programs, 5:80040-5:80042.5
––Adult education, 5:80040.2, 5:80040.2.5, 5:80040.2.7
––Appeals, 5:80040.1
––Approval, 5:80040, 5:80040.3
––Planning, 5:80040.1
––Purpose, 5:80040.1
TEACHER CREDENTIALS–*continued*
Designated subjects credential–*continued*
–Personalized preparation programs–*continued*
––Supervision and coordination, 5:80040.3
––Vocational education, 5:80042, 5:80042.5
–Reading instruction competence assessment for multiple subject teaching credential, 5:80071.5
–Special subjects, 5:80037
––Driver education and training, subject matter programs, 5:80037.5
–Specific subject matter authorizations, 5:80089.4
–Supervision and coordination, 5:80038
––Personalized preparation programs, 5:80040.3
–Supplementary authorization
––Elementary schools, 5:80057.5
––Secondary schools, 5:80089-5:80089.2
–Vocational education
––Full-time credential, 5:80035
––Part-time credential, 5:80035.1
––Personalized preparation programs, 5:80042, 5:80042.5
––Professional growth requirement, 5:80569
––Subject classification system, 5:80035.5
––Substitute service, 5:80034.5
Development center instruction permit, special center teaching assignment, 5:80061
Digital signatures, application documents, 5:80434
Direct application, 5:80406
–Date of filing, 5:80440
–Documents, 5:80430, 5:80433
–Electronic signatures, 5:80434
–Evaluation, 5:80430
–Fee, 5:80451
–Foreign course work, 5:80457
–Form, 5:80433
–Identification card, submission, 5:80442
–Issuance date, 5:80440
–Notice of status, 5:80441
–Out-of-state applicants, 5:80430.1
––Comparable and equivalent teacher preparation, reciprocity, 5:80430.2
–Out-of-state course work, 5:80457
–Processing time, 5:80443
–Resource specialist certificate of competence
––Clear credential, 5:80070.2
––Preliminary credential, 5:80070.3
–Scholarship requirements, 5:80454
–Transcripts, 5:80435, 5:80445
––Affidavits in lieu of, 5:80448
–When permitted, 5:80430
Disciplinary actions
–Consent determinations, 5:80320
–Harassment and retaliation prohibited, 5:80337
Driver education and training, subject matter programs, 5:80037.5
Duplicate credential, fee, 5:80487
Duration, 5:80493
–Adapted physical education specialist, 5:80046.1
–Administrative services specialization, 5:80054
–Adult education designated subjects credential
––Full-time credential, 5:80036
––Part-time credential, 5:80036.1
–Child development permit
––Assistant permit, 5:80110
––Associate teacher permit, 5:80111
––Master teacher permit, 5:80113
––Program director permit, 5:80115
––Site supervisor permit, 5:80114
––Teacher permit, 5:80112
–Clear credential, 5:80553
–Designated subjects credential
––Adult education, 5:80036, 5:80036.1
––Special subjects, 5:80037
––Supervision and coordination, 5:80038
––Vocational education, 5:80035, 5:80035.1
–Emergency permits, 5:80023.1
–Exchange certificated credential, 5:80055.1
–Health services, 5:80051
–Resource specialist certificate of competence
––Clear credential, 5:80070.2, 5:80070.4
––Preliminary credential, 5:80070.3
–Restricted specialist teaching credential in reading, 5:80048.1

TEACHER CREDENTIALS–*continued*
Duration–*continued*
–School nurse services, 5:80050
–Services credential
––Health services, 5:80051
–Sojourn certificated credential, 5:80055.2
–Special center permit, 5:80061.2
–Special education
––Restricted severely handicapped credential, 5:80061.1
––Specialist instruction, 5:80048.2
–Specialist instruction, 5:80048
–Special subjects, designated subjects credential, 5:80037
–Supervision and coordination, designated subjects credential, 5:80038
–Vocational education designated subjects credential
––Full-time credential, 5:80035
––Part-time credential, 5:80035.1
Early childhood education specialist instruction, 5:80067
Early childhood special education, 5:80048.5
–Services authorized, 5:80048.6
Education specialists
–Level II requirements, 5:80048.4
––Out-of-state credentialed teachers with experience, 5:80048.3.1
–Out-of-state credentialed teachers with experience, 5:80048.3.1
–Preliminary level I requirements, 5:80048.3
––Out-of-state credentialed teachers with experience, 5:80048.3.1
–Provisional internship permits, 5:80021.1
–Short-term staff permits, 5:80021
Electronic signatures, application documents, 5:80434
Emergency permits, 5:80023-5:80027
–Application for, 5:80023-5:80026
––Information to applicants, 5:80026.1
––Limited assignment permits, 5:80027
––Renewal, 5:80026.6
–Basic educational skills test, exemption, 5:80071.4
–Bilingual (BCLAD) emphasis, 5:80024.2, 5:80024.7
–Clinical or rehabilitative services in language, speech and hearing, 5:80024.4, 5:80024.5
–Communication handicapped, 5:80024.3
–Crosscultural (CLAD) emphasis, 5:80024.2.1, 5:80024.8
–Deaf or hard-of-hearing, 5:80024.3.2
–Declaration of need, 5:80026
–Definitions, 5:80023.1
–Designated subjects vocational education permit, 30-day substitute teaching service, 5:80025.5
–Duration, 5:80023.1
–Early childhood special education, 5:80024.3.2
–Education specialists, 5:80024.3.2
–General provisions, 5:80023.1
–Health impairments, 5:80024.3.2
–Information to applicants, 5:80026.1
–Issuance requirements, 5:80023.2
–Learning handicapped, 5:80024.3
–Library media teacher permit, 5:80024.6
–Limited assignment multiple or single subject permit, 5:80027
–Mild/moderate disability, 5:80024.3.2
–Moderate/severe disability, 5:80024.3.2
–Multiple subjects, 5:80024.1
––Limited assignment multiple or single subject permit, 5:80027
–Orientation, guidance and assistance to permitholders, 5:80026.5
–Physical impairments, 5:80024.3.2
–Physically handicapped, 5:80024.3
–Plan to develop fully qualified educators, 5:80026.4
–Renewal, 5:80026.6
––Bilingual (BCLAD) emphasis, 5:80024.2, 5:80024.7
––Clinical or rehabilitative services in language, speech and hearing, 5:80024.4, 5:80024.5
––Crosscultural (CLAD) emphasis, 5:80024.2.1, 5:80024.8

TEACHER CREDENTIALS–*continued*
Emergency permits–*continued*
–Renewal–*continued*
––Designated subjects vocational education permit for 30-day substitute teaching, 5:80025.5
––Education specialist, 5:80024.3.2
––Library media teacher permit, 5:80024.6
––Limited assignment multiple or single subject permit, 5:80027
––Multiple or single subject, 5:80024.1
––Resource specialist, 5:80024.3.1
––Special education, 5:80024.3, 5:80024.4, 5:80024.5
––30-day substitute teaching service, 5:80025, 5:80025.5
–Resource specialist, 5:80024.3.1
–Services authorized
––Bilingual (BCLAD) emphasis, 5:80024.2, 5:80024.7
––Career substitute teaching service, 5:80025.1
––Clinical or rehabilitative services in language, speech and hearing, 5:80024.4, 5:80024.5
––Communication handicapped, 5:80024.3
––Crosscultural (CLAD) emphasis, 5:80024.2.1, 5:80024.8
––Designated subjects vocational education permit for 30-day substitute teaching, 5:80025.5
––Education specialist, 5:80024.3.2
––Learning handicapped, 5:80024.3
––Library media teacher permit, 5:80024.6
––Limited assignment multiple or single subject permit, 5:80027
––Multiple or single subject, 5:80024.1
––Physically handicapped, 5:80024.3
––Resource specialist, 5:80024.3.1
––Severely handicapped, 5:80024.3
––Substitute teaching by prospective teachers, 5:80025.2
––30-day substitute teaching service, 5:80025, 5:80025.5
––Visually handicapped, 5:80024.3
–Severely handicapped, 5:80024.3
–Single subject, 5:80024.1
––Limited assignment multiple or single subject permit, 5:80027
–Specialist instruction, 5:80024.3
–Submission of application, 5:80023.1
–Substitute teaching
––Career substitute teaching, 5:80025.1
––Prospective teachers, 5:80025.2
––30-day substitute teaching service, 5:80025
–––Continuance, 5:80058.2
–––Designated subjects vocational education permit, 5:80025.5
–Types of permits, 5:80023
–Visual impairments, 5:80024.3.2
–Visually handicapped, 5:80024.3
Eminence credential, 5:80043-5:80045
–Notice of consideration, 5:80043
–Renewal, 5:80045
–Scope, 5:80044
–Statement of employment, 5:80043
–Verification of qualifications, 5:80043
English language development and/or instruction to limited-English-proficient students, staff development certificates, 5:80016
Examinations, 5:80071-5:80088
–Additional authorization, 5:80499
–Appeals, 5:80072
–Basic skills, 5:80071.4
–Bilingual, crosscultural, language and academic development (BCLAD) certificate, 5:80015.3
–Board of examiners, by, 5:80073-5:80076
––Appointment of members, 5:80073, 5:80074
––Attendance, 5:80073
––Conduct of examination, 5:80075
––Fee, 5:80076, 5:80487
––Recommendations, 5:80073
–Crosscultural, language and academic development (CLAD) certificate, 5:80015.3
–Exemptions, 5:80071.4
–Fees, 5:80077, 5:80487
––Board of examiners, by, 5:80076
–Five-year limit to issuance of credential or certificate, 5:80071

TEACHER CREDENTIALS–*continued*
Examinations–*continued*
–Passing scores, 5:80071
––Basic skills examination, 5:80071.4
–Reading certificate, 5:80014
–Reading instruction competence assessment, 5:80071.5
–U.S. Constitution, 5:80415
Exchange certificated credential, 5:80055.1
–Basic skills examination exemption, 5:80071.4
Extension of time to complete prerequisites, 5:80523
Fees, 5:80487
–Application fee, 5:80451, 5:80484
–Board of examiners' fee, 5:80076, 5:80487
–Credential fees, 5:80487
–Examinations, 5:80077, 5:80487
––Board of examiners, by, 5:80076
Fifth year of study, 5:80424
Foreign course work, 5:80457
Formal review
–Continuance, 5:80312
–Notice of, 5:80310
–Notice of committee recommendation and findings, 5:80314.5
–Quorum, 5:80314
–Reconsideration of recommendation, 5:80315
–Request for appearance, 5:80311
–Witnesses and testimony, 5:80313
Gifted specialist instruction, 5:80069.1
Health education coursework, 5:80421
Health qualifications, certificate of clearance, 5:80028
Health science specialist instruction, 5:80069
Health services, 5:80051
–Basic skills examination exemption, 5:80071.4
–Services authorized, 5:80052
Hearings
–Appeal from denial of credential, 5:80514-5:80518
Identification card, submission with application, 5:80442, 5:80481
Internship credential, renewal, 5:80055
Investigations, 5:80302
–Commencement, 5:80307.1
–Confidential report, 5:80316.5
–Disclosure of documents, 5:80307
Issuance date, 5:80440
Learning handicapped
–Emergency permits, 5:80024.3
–Placement, 5:80046.5
–Services authorized, 5:80047
Library media teacher, 5:80053
–Emergency permits, 5:80024.6
Limited assignment emergency multiple or single subject permit, 5:80027
Mailing address, filing, 5:80412
Mathematics specialist instruction, 5:80070
Medical disability, investigation by credentialing committee, 5:80309
Misconduct
–Administrative hearing
––Request for, 5:80317
–Character and identification clearance notice, 5:80301
–Initial review, 5:80309.1
–Investigation standards, 5:80302
–Notice of formal review, 5:80310
–Notice of sexual misconduct, 5:80304
–Preliminary review of allegations, 5:80308
–Presentation of allegations, 5:80306
Multiple subjects, 5:80003
–Bilingual (BCLAD) emphasis, 5:80015.4
––Emergency permits, 5:80024.2
–Clear credential, 5:80413
––Out-of-state applicant, 5:80413.3
––Professional growth advisor, 5:80556
–Crosscultural (CLAD) certificate, emergency permits, 5:80024.2.1
–Emergency permits, 5:80024.1
––Bilingual (BCLAD) emphasis, 5:80024.2
––Crosscultural (CLAD) emphasis, 5:80024.2.1
––Limited assignment multiple or single subject permit, 5:80027

TEACHER CREDENTIALS–*continued*
Multiple subjects–*continued*
–Limited assignment emergency multiple or single subject permit, 5:80027
–Out-of-state applicant, 5:80413.3
–Preliminary credential, 5:80413
––Out-of-state applicant, 5:80413.3
–Provisional internship permits, 5:80021.1
–Short-term staff permits, 5:80021
Notice
–Administrative hearing request, 5:80317
–Application status, 5:80441
–Character and identification clearance, 5:80301
–Denial of credential, 5:80506
––Appeal decision, 5:80518
–Eminence credential, consideration, 5:80043
–Formal review
––Committee recommendation and findings, 5:80314.5
–Grounds for revocation, 5:80301
–Mailing address, change, 5:80412
–Sexual misconduct, 5:80304
Orthopedic impairment
–Services authorized, 5:80047.9
Out-of-state applicants, 5:80413.3
–Direct application, 5:80430.1
–Recommendation for credential, 5:80472
Out-of-state course work, 5:80457
Personal identification card, submission with application, 5:80442, 5:80481
Personal qualifications, certificate of clearance, 5:80028
Physically handicapped
–Emergency permits, 5:80024.3
Preliminary credential
–Administrative services, 5:80054
–Adult education designated subjects credential
––Existing preliminary credential holders, 5:80036.5
––Full-time credential, 5:80036
––Part-time credential, 5:80036.1
–Continuance, 5:80058.2
–Designated subjects credential
––Adult education, 5:80036, 5:80036.1
––Existing preliminary credential holders, 5:80036.5
––Special subjects, 5:80037
––Vocational education, 5:80035, 5:80035.1
–Education specialists, 5:80048.3
––Out-of-state credentialed teachers with experience, 5:80048.3.1
–Multiple subjects, 5:80003, 5:80413
––Out-of-state applicant, 5:80413.3
–Out-of-state applicant, 5:80413.3
–Resource specialist certificate of competence, 5:80070.3
–School nurse services, 5:80050
–Single subject, 5:80413
––Out-of-state applicant, 5:80413.3
–Special education, specialist instruction, 5:80048.2
–Special subjects, designated subjects credential, 5:80037
–Vocational education designated subjects credential
––Existing preliminary credential holders, 5:80036.5
––Full-time credential, 5:80035
––Part-time credential, 5:80035.1
Preliminary review of misconduct allegations, 5:80308
Preparation programs
See TEACHERS, subheading: Training programs
Professional services credential
–Pupil personnel services, 5:80049-5:80049.1
–School nurse services, 5:80050
Prospective teachers
–Emergency substitute teaching permit, 5:80025.2
Psychiatric disability, investigation by credentialing committee, 5:80309
Pupil personnel services, 5:80049-5:80049.1
–Additional assignment authorizations, 5:80020.5
–Preparation program, approval, 5:80632-5:80632.5
––Child welfare and attendance specialization, 5:80632.5

TEACHER CREDENTIALS–*continued*
Pupil personnel services–*continued*
–Preparation program, approval–*continued*
––Counseling specialization, 5:80632.2
––General requirements, 5:80632
––Generic program for all specializations, 5:80632.1
––Psychology specialization, 5:80632.4
––Social work specialization, 5:80632.3
Reading, restricted specialist teaching credential, 5:80048.1
Reading and language arts specialist, 5:80066
–Services authorized, 5:80020.4.1
Reading certificate, 5:80014-5:80014.2
–Application procedure, 5:80014.2
–Course work, 5:80014
–Examination, 5:80014
–Period of validity, 5:80014.1
–Services authorized, 5:80014.1
Reciprocity, 5:80430.2
Recommendation for, 5:80406, 5:80472-5:80484
–Completion of approved program, certification, 5:80472
–Failure to receive, 5:80523.2
–Fee, 5:80484
–Identification card, submission, 5:80481
–Out-of-state applicants, 5:80472
–Refusal to give, 5:80430
–Resource specialist certificate of competence
––Higher education institution, by, 5:80070.4
––Local agency, by, 5:80070.6, 5:80070.7
–Transcripts, 5:80435
Renewal, 5:80490-5:80496
–Administrative services specialization, 5:80054
–Application for, 5:80490
–Child development permit, 5:80107
––Assistant permit, 5:80110
––Associate teacher permit, 5:80111
––Master teacher permit, 5:80113
––Program director permit, 5:80115
––Site supervisor permit, 5:80114
––Teacher permit, 5:80112
–Deadline, 5:80490
–Designated subjects credential, vocational education, 5:80035
–Emergency permits, 5:80026.6
––Bilingual (BCLAD) emphasis, 5:80024.2, 5:80024.7
––Clinical or rehabilitative services in language, speech and hearing, 5:80024.4, 5:80024.5
––Crosscultural (CLAD) emphasis, 5:80024.2.1, 5:80024.8
––Designated subjects vocational education permit for 30-day substitute teaching, 5:80025.5
––Education specialist, 5:80024.3.2
––Library media teacher permit, 5:80024.6
––Limited assignment multiple or single subject permit, 5:80027
––Multiple or single subject, 5:80024.1
––Resource specialist, 5:80024.3.1
––Special education, 5:80024.3, 5:80024.4, 5:80024.5
––30-day substitute teaching service, 5:80025, 5:80025.5
–Eminence credential, 5:80045
–Expiration date, 5:80493
–Extension of time to complete prerequisites, 5:80523
–Failure to renew, 5:80496
–Fees, 5:80487
–Internship credential, 5:80055
–Sojourn certificated credential, 5:80055.2
–Special center permit, 5:80061.2
–Specialist instruction, 5:80048
–Vocational education designated subjects credential, 5:80035
–Waivers, variable term, 5:80124
Resource specialist certificate of competence, 5:80070.1-5:80070.8
–Areas of competence, 5:80070.8
–Clear credential
––Direct application, 5:80070.2
––Recommendation
–––Higher education institution, by, 5:80070.4

TEACHER CREDENTIALS–*continued*
Resource specialist certificate of competence–*continued*
–Clear credential–*continued*
––Recommendation–*continued*
–––Local agency, by, 5:80070.6, 5:80070.7
–Definitions, 5:80070.1
–Emergency permits, 5:80024.3.1
–Preliminary credential, 5:80070.3
–Training programs, approval, 5:80070.5
Restricted specialist teaching credential in reading, 5:80048.1
Rules of conduct, 5:80331-5:80338
–Applicability, 5:80331
–Citation, 5:80331
–Definitions, 5:80331
–Discrimination prohibited, 5:80338
–Harassment and retaliation prohibited, 5:80337
–Letters of recommendation, 5:80332
–Performance with impaired faculties, 5:80336
–Study of effect, 5:80331
–Termination of employment, 5:80333
–Unauthorized private gain, 5:80334
–Unauthorized professional services, 5:80335
Scholarship requirements, 5:80454
School nurse services, 5:80050
–Services authorized, 5:80052
Services authorized, 5:80020.4.1
–Adapted physical education specialist, 5:80046.1
–Additional authorization, 5:80499
–Administrative services specialist, 5:80054.5
–Adult education designated subjects credential, 5:80020.4.1
––Full-time credential, 5:80036
––Part-time credential, 5:80036.1
––Subject classification system, 5:80036.3
–Autism, 5:80047.4
–Bilingual (BCLAD) emphasis, emergency permits, 5:80024.2, 5:80024.7
–Career substitute teaching
––Emergency permit, 5:80025.1
–Child development permit
––Assistant permit, 5:80110
––Associate teacher permit, 5:80111
––Master teacher permit, 5:80113
––Program director permit, 5:80115
––Site supervisor permit, 5:80114
––Teacher permit, 5:80112
–Clinical or rehabilitative services in language, speech and hearing, emergency permits, 5:80024.4, 5:80024.5
–Communication handicapped, emergency permits, 5:80024.3
–Crosscultural (CLAD) emphasis, emergency permits, 5:80024.2.1, 5:80024.8
–Deaf-blind instruction, 5:80047.7
–Deaf or hard-of-hearing instruction, 5:80047.6
–Designated subjects credential
––Adult education, 5:80036, 5:80036.1, 5:80036.3
––Special subjects, 5:80037
––Supervision and coordination, 5:80038
––Vocational education, 5:80035, 5:80035.1, 5:80035.5
–Early childhood special education, 5:80048.6
–Education specialist
––Emergency permit, 5:80024.3.2
–Exchange certificated credential, 5:80055.1
–Health services, 5:80051
–Introductory subject matter authorizations, 5:80089.3
–Learning disability, 5:80047
––Emergency permits, 5:80024.3
–Library media teacher, 5:80053
––Emergency permits, 5:80024.6
–Limited assignment emergency permit, 5:80027
–Mental retardation instruction
––Mild/moderate, 5:80047
––Moderate/severe, 5:80047.1
–Multiple disabilities, 5:80047.3
–Orthopedic impairment instruction, 5:80047.9
–Other health impairment, 5:80047.9
–Physically handicapped
––Emergency permits, 5:80024.3
–Pupil personnel services, 5:80049.1

TEACHER CREDENTIALS–*continued*
Services authorized–*continued*
–Reading and language arts specialist, 5:80020.4.1, 5:80066
–Resource specialist certificate of competence
––Clear credential, 5:80070.2, 5:80070.4
––Emergency permit, 5:80024.3.1
––Preliminary credential, 5:80070.3
–Restricted severely handicapped credential, 5:80061.1
–Restricted specialist teaching credential in reading, 5:80048.1
–School nurse services, 5:80052
–Seriously emotionally disturbed instruction, 5:80047.2
–Severely handicapped, emergency permits, 5:80024.3
–Sojourn certificated credential, 5:80055.2
–Special center permit, 5:80061.2
–Specialist instruction, special education, 5:80048.2, 5:80048.6
–Special subjects, designated subjects credential, 5:80037
–Specific subject matter authorizations, 5:80089.4
–Speech and language impairment, 5:80047.5
–Substitute teaching by prospective teachers
––Emergency permit, 5:80025.2
–Supervision and coordination, designated subjects credential, 5:80038
–Supplementary authorization
––Elementary schools, 5:80057.5
––Secondary schools, 5:80089-5:80089.2
–30-day substitute teaching service, 5:80025, 5:80025.5
–Unauthorized services, 5:80335
–Visually handicapped instruction
––Emergency permits, 5:80024.3
–Visually impairment instruction, 5:80047.8
–Vocational education designated subjects credential, 5:80020.4.1
––Emergency permits, 5:80025.5
––Full-time credential, 5:80035
––Part-time credential, 5:80035.1
––Subject classification system, 5:80035.5
–Waivers, service restrictions, 5:80121
Services credential, 5:80049-5:80054
–Administrative services, 5:80054
–Clear credential, professional growth advisor, 5:80556.1
–Library media teacher, 5:80053
––Emergency permits, 5:80024.6
–School nurse, 5:80050, 5:80052
Severely handicapped instruction, emergency permits, 5:80024.3
Sexual misconduct
–Notice of, 5:80304
Short-term staff permits, 5:80021
Single subject, 5:80004
–Authorized subject areas, 5:80005
–Bilingual (BCLAD) emphasis, 5:80015.4
––Emergency permits, 5:80024.2
–Clear credential, 5:80413
––Out-of-state applicant, 5:80413.3
––Professional growth advisor, 5:80556
–Crosscultural (CLAD) emphasis, emergency permits, 5:80024.2.1
–Emergency permits, 5:80024.1
––Bilingual (BCLAD) emphasis, 5:80024.2
––Crosscultural (CLAD) emphasis, 5:80024.2.1
––Limited assignment multiple or single subject permit, 5:80027
–Limited assignment emergency multiple or single subject permit, 5:80027
–Out-of-state applicant, 5:80413.3
–Preliminary credential, 5:80413
––Out-of-state applicant, 5:80413.3
–Provisional internship permits, 5:80021.1
–Short-term staff permits, 5:80021
–Staff developers, 5:80020.4
Sojourn certificated credential, 5:80055.2
Special center permit, 5:80061.2
Special center teaching assignment, 5:80061
Special education
–Adapted physical education, 5:80046, 5:80046.1
–Additional assignment authorizations, 5:80020.1
–Administrative services, training requirement, 5:80032.2
–Autistic specialization preparation program, approval, 5:80641
–Clinical or rehabilitative services in language, speech and hearing; emergency permits, 5:80024.4, 5:80024.5
–Communication handicapped, emergency permits, 5:80024.3
–Deaf-blind, services authorized, 5:80047.7
–Deaf or hard-of-hearing, emergency permits, 5:80024.3.2
–Deaf or hard-of-hearing, services authorized, 5:80047.6
–Early childhood, 5:80048.5
––Emergency permits, 5:80024.3.2
–Emergency permits, 5:80024.3, 5:80024.3.2, 5:80024.4, 5:80024.5
–Learning handicapped
––Emergency permits, 5:80024.3
––Placement, 5:80046.5
––Services authorized, 5:80047
–Mental retardation
––Emergency permits, 5:80024.3.2
––Mild/moderate, 5:80047
––Moderate/severe, 5:80047.1
–Multiple disabilities, services authorized, 5:80047.3
–Nonpublic, nonsectarian school and agency services, 5:3064
––Designated instruction and services, 5:3065
–Orthopedic impairment, services authorized, 5:80047.9
–Other health impairment
––Services authorized, 5:80047.9
–Physical impairment
––Emergency permits, 5:80024.3.2
–Physically handicapped
––Emergency permits, 5:80024.3
–Restricted severely handicapped credential, 5:80061.1
–Serious emotional disturbance
––Preparation program, approval, 5:80640
––Services authorized, 5:80047.2
–Services authorized, 5:80046.1-5:80047.9
––Autism, 5:80047.4
––Deaf-blind, 5:80047.7
––Deaf or hard-of-hearing, 5:80047.6
––Mental retardation, 5:80047, 5:80047.1
––Multiple disabilities, 5:80047.3
––Orthopedic impairment, 5:80047.9
––Other health impairment, 5:80047.9
––Resource specialist certificate of competence
–––Clear credential, 5:80070.2, 5:80070.4
–––Preliminary credential, 5:80070.3
––Serious emotional disturbance, 5:80047.2
––Severely handicapped, restricted credential, 5:80061.1
––Special center permit, 5:80061.2
––Specialist instruction, 5:80048.2, 5:80048.6
––Specific learning disability, 5:80047
––Speech and language impairment, 5:80047.5
––Traumatic brain injury, 5:80047.9
––Visual impairment, 5:80047.8
–Severely handicapped
––Emergency permits, 5:80024.3
––Restricted credential, services authorized, 5:80061.1
–Special center permit, 5:80061.2
–Special center teaching assignment, 5:80061
–Specialist instruction, 5:80048.2
––Services authorized, 5:80048.6
–Speech and language impairment, services authorized, 5:80047.5
–Training requirement, 5:80032.2
–Traumatic brain injury, services authorized, 5:80047.9
–Visual impairment
––Emergency permits, 5:80024.3.2
––Services authorized, 5:80047.8
–Visually handicapped
––Emergency permits, 5:80024.3
Specialist instruction, 5:80048-5:80048.6
–Duration, 5:80048
–Professional growth advisor, 5:80556.1
–Renewal, 5:80048
–Restricted specialist teaching credential in reading, 5:80048.1
–Services authorized, 5:80048.6
–Special education, 5:80048.2
Special subjects, designated subjects credential, 5:80037
–Driver education and training, subject matter programs, 5:80037.5
Staff developers, 5:80020.4
Subject matter equivalencies, 5:80094
Substitute service
–Career substitute teaching service emergency permit, 5:80025.1
–Day to day substitute teaching, 5:80025.3
–Designated subjects credential
––Adult education, 5:80034.5
––Vocational education, 5:80034.5
–Prospective teachers, emergency permits, 5:80025.2
–Special education classes, 5:80025.4
–30-day substitute teaching service, 5:80025, 5:80025.5
––Continuance, 5:80058.2
––Designated subjects vocational education permit, 5:80025.5
Supervision credential
–Additional assignment authorizations, 5:80020.3
–Designated subjects credential, 5:80038
––Personalized preparation programs, 5:80040.3
Supplementary authorization
–Elementary schools, 5:80057.5
–Secondary schools, 5:80089-5:80089.2
Suspension or revocation
–Breach of conduct, 5:80331
–Child development permit, 5:80116
–Consent determinations, 5:80320
–Medical or psychiatric guidelines, 5:80309
–Reports, 5:80303
Temporary county certificate, 5:80441
30-day substitute teaching service, 5:80025
–Continuance, 5:80058.2
–Designated subjects vocational education permit, 5:80025.5
Training programs
See TEACHERS
Traumatic brain injury
–Services authorized, 5:80047.9
Unauthorized assignment of personnel, review process to rectify, 5:80339-5:80339.6
–Committee membership, 5:80339.1
–Definitions, 5:80339
–Noncompliance letter, issuance, 5:80339.4
–Notice to commission, 5:80339.2
–Referral to committee on authorized assignments, 5:80339.4
–Referral to committee on credentialing, 5:80339.5
–Rights of certificated persons, 5:80339.6
–Staff review and determination, 5:80339.3
Unauthorized professional services, 5:80335
Uncredentialed service, validation, 5:80600-5:80606
–Determination, 5:80604
–Ineligibility for approval, 5:80603
–Information and submission requirements, 5:80601
U.S. Constitution course work, 5:80415
Visual impairment
–Emergency permits, 5:80024.3
–Services authorized, 5:80047.8
Vocational education designated subjects credential
–Basic skills examination exemption, 5:80071.4
–Existing preliminary credential holders, 5:80036.5
–Full-time credential, 5:80035
–Part-time credential, 5:80035.1
–Personalized preparation programs, 5:80042, 5:80042.5

TEACHER CREDENTIALS–*continued*
Vocational education designated subjects credential–*continued*
–Professional growth requirement, 5:80569
–Services authorized, 5:80020.4.1
–Staff developers, 5:80020.4
–Subject classification system, 5:80035.5
–Substitute service, 5:80034.5
Waivers, 5:80120-5:80125
–Application for, 5:80121
––Variable term, 5:80122, 5:80125
–Categories, 5:80120
–Definitions, 5:80121
–General provisions, 5:80121
–Renewal of variable term waiver, 5:80124
–Service restrictions, 5:80121
–Short-term waivers, 5:80123
––Purpose, 5:80120
–Variable-term waivers
––Application for, 5:80122, 5:80125
––Approvals, 5:80125
––Denials, 5:80125
––Purpose, 5:80120
––Renewal, 5:80124

TEACHERS, 5:5500-5:5722
Aides
–Compensatory education, 5:12065-5:12070
––Assignment, 5:12069, 5:12070
––Duties, 5:12067-5:12069
––Health examination, 5:12066
––Supervision, 5:12067, 5:12068
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9, 5:12098
–Library duties, 5:16043
–Qualifications, 5:12065
–School age community child care services program, 5:18207
–Special education
––Language, speech and hearing services, 5:3051.1, 5:3051.18
––Special classes, 5:3053
–Training, 5:11710-5:11715
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Resource centers
Alcohol abuse, 5:80336
Appeals
–Paul Douglas teacher scholarship program, 5:30513
Assumption program of loans for education (APLE), 5:30701-5:30709
Athletic coaches
See SCHOOLS AND SCHOOL DISTRICTS
Attendance records, staff development reform program, 5:6001
Attendance reports, 5:401
Bilingual education, teacher corps program, 5:11600-5:11604
–Definitions, 5:11601
–Funds for planning, development and administration, 5:11602
–Purpose, 5:11600
–Stipend for participants, 5:11603
Charter schools
–Independent study, pupil-teacher ratio, 5:11704
Class size
–Excessive pupil to teacher ratios, 5:15100-5:15112
–Reduction program
––Kindergarten to grade 3, 5:15130-5:15133
Community classrooms
–Definition, 5:10080
–Duties, 5:10083
–Records and reports, 5:10084
Compensation, unauthorized, 5:80334
Compensatory education
–Demonstration programs in intensive instruction for low-achieving pupils in grades 7, 8 or 9
––Qualifications, 5:12097
–New careers in education programs, 5:13000-5:13017
–Special teacher employment programs, 5:12050-5:12052
Complaints regarding vacancy or misassignment, 5:4682

TEACHERS–*continued*
Confidential information, unauthorized disclosure, 5:80334
Conflict of interest, employment by other school, 5:5500
Contagious diseases
–Pre-employment examination, 5:5504
–Retired persons, employment; examination, 5:5502, 5:5503
Cooperative vocational education
–Definition, 5:10101
–Duties, 5:10104
–Records and reports, 5:10105
–Supervision of pupils, 5:10109
Credentials
–Community colleges
See COMMUNITY COLLEGES
Definitions
–Bilingual education teacher corps program, 5:11601
–Cooperative vocational education, 5:10101
–Education technology staff development, 5:11970
–Integrated teacher preparation program, 5:40520
–New careers in education programs, 5:13000
–No child left behind requirements, 5:6001, 5:6100
––Supplemental services providers, 5:13075.1
–Professional development and program improvement programs, 5:13025
–Staff development reform program, 5:6000
–Training programs
––Faculty participation in public schools, 5:80674.1
Discrimination by, 5:80338
Dismissal, reports, 5:80303
Drug abuse, 5:80336
Duties, 5:5530-5:5596
Duty-free lunch period, 5:5600
Elementary school reading instruction program
See Reading instruction, this heading
Employment, 5:5500-5:5504
–Compensatory education, special teacher employment programs, 5:12050-5:12052
–Conflict, 5:5500
–Emergency allowances, 5:17273
–Equal employment opportunity, 5:30, 5:31
–Letters of recommendation, 5:80332
–Notice
––Employment, of, 5:5501
––Physical examination of retired persons, 5:5502
–Physical examination, 5:5504
––Retired persons, 5:5502, 5:5503
–Precondition, 5:5500
English learner teachers, mathematics and reading professional development
–Funding allocations, 5:11981.3
–Training curriculum, 5:11985, 5:11985.5
–Training providers, 5:11985.6
Equal employment opportunity, 5:30, 5:31
Ethics
–Conflict of interest, employment by other school, 5:5500
Extracurricular activities of pupils, supervision, 5:5531
Gifts to, 5:80334
Hours, 5:5570
Impairment of abilities, 5:80336
Instructional time and staff development reform program, 5:6000-5:6002
Intellectual impairment, 5:80336
International teachers
–No child left behind requirements, 5:6126
Interns
–Community colleges, 5:53500-5:53502
–New careers in education programs, 5:13000-5:13017
Licensing
–Community colleges
See COMMUNITY COLLEGES, subheading: Credentials
Lunch period, duty-free, 5:5600
Mathematics and reading professional development program, 5:11980-5:11985.6
–Allocation of funds, 5:11981-5:11981.3
–Assurances of compliance, 5:11982

TEACHERS–*continued*
Mathematics and reading professional development program–*continued*
–Audits, 5:19838
–English learner teachers
––Funding allocations, 5:11981.3
––Training curriculum, 5:11985, 5:11985.5
––Training providers, 5:11985.6
–Funding limitations, 5:11981.5
–Initial 40 hours
––Training curriculum, 5:11984, 5:11984.5
––Training providers, 5:11984.6
–Instructional materials, 5:11983, 5:11983.5
–LEAs, eligibility, 5:11982.5
–Teachers, eligibility, 5:11980
Mental impairment, 5:80336
Mentor teacher programs, 5:11250-5:11257
–Application to participate
––School district, 5:11250
––Teacher, 5:11252
–Duration of mentor teacher designation, 5:11257
–Duties of mentor teacher, 5:11256
–Nomination as mentor teacher, 5:11253, 5:11254
–Renomination as mentor teacher, 5:11255
–Replacement of mentor teacher, 5:11257
–Resolution to participate, 5:11250
–Selection committees, 5:11251
Misassignment, complaints, 5:4682
Moral supervision of pupils, 5:5530
New careers in education programs, 5:13000-5:13017
–Budget, 5:13015
–Coordination with compensatory education program, 5:13005
–Definitions, 5:13000
–Discrimination prohibited, 5:13016
–District responsibilities, 5:13011
–Expenditure level, 5:13013
–Funding
––Application for, 5:13009
––District responsibilities, 5:13011
––Expenditure level, 5:13013
––Intern support, allocation, 5:13006
––Records, 5:13015
–Intern
––Definition, 5:13000
––Eligibility, 5:13007
––Elimination from program, 5:13010
––Financial support, 5:13002, 5:13006
––Selection, 5:13008
––Supervision, 5:13003
––Support services, 5:13011, 5:13012
–Maintenance of effort, 5:13013
–Purpose, 5:13001
–Records and reports, 5:13014
––Financial records, 5:13015
–Team leader
––Compensation, 5:13004
––Definition, 5:13000
––Duties, 5:13003
––Support services, 5:13011
–Waiver of requirements, 5:13017
No child left behind requirements, 5:6100-5:6126
–Definitions, 5:6001, 5:6100
–Elementary teachers, 5:6101-5:6104
–International teachers, 5:6126
–Local teaching assignments, 5:6116
–Middle and high school teachers, 5:6110-5:6113
–One-time compliance, 5:6120
–Out-of-state teachers, 5:6125
–Rural areas, 5:6113
–Supplemental services providers, 5:13075-5:13075.4
–Supplementary authorizations, 5:6116
–Teachers not meeting requirements, 5:6115
Notice of employment, 5:5501
Paul Douglas teacher scholarship program, 5:30500-5:30517
–Administration, 5:30500
–Appeals, 5:30513
–Application process
––New applicants, 5:30504
––Renewal applicants, 5:30509
–Awards, 5:30511

TEACHERS–*continued*
Paul Douglas teacher scholarship program–*continued*
–Coordinator, institutional, 5:30503
–Eligibility criteria
––New applicants, 5:30501
––Renewal applicants, 5:30502
–Federal regulations applicable, 5:30500
–General educational development test scores, 5:30512
–Institutional coordinators, 5:30503
–New applicants, 5:30504-5:30508
––Application process, 5:30504
––Eligibility criteria, 5:30501
––Nomination process, 5:30505
––Preferential treatment, 5:30510
––Ranking process, 5:30507
––Scoring process, 5:30506
––Selection process, 5:30508
–Nomination process, new applicants, 5:30505
–Preferential treatment, 5:30510
–Ranking process, new applicants, 5:30507
––General educational development test scores, 5:30512
–Renewal applicants
––Application process, 5:30509
––Eligibility criteria, 5:30502
––Selection process, 5:30509
–Repayments, 5:30514-5:30517
––Alteration of schedule, 5:30516
––Collection costs, 5:30515
––Proration, 5:30514
––Reduction of periodic payments, 5:30516
––Temporary suspension, 5:30517
–Scoring process, new applicants, 5:30506
–Selection process
––New applicants, 5:30508
––Renewal applicants, 5:30509
Physical examination
–Compensatory education aides, 5:12066
–Pre-employment, 5:5504
–Retired persons, employment, 5:5503
––Notice of examination, 5:5502
Presence in classroom, 5:5570
Professional development and program improvement programs, 5:13025-5:13044
–Activities, 5:13038
–Budget, 5:13042
–Centers
––Definition, 5:13025
––Personnel, 5:13030, 5:13031, 5:13038
––Selection, 5:13028
–Continuity of funding, 5:13040
–Definitions, 5:13025
–Development of program, 5:13038
–Discrimination, prohibition, 5:13043
–Distribution of funds, 5:13037
–Eligibility of agencies, 5:13026
–Establishment, 5:13027
–Evaluation, 5:13039
–Existing development programs, integration with, 5:13033
–Expenditure level, 5:13035
–Funding
––Application for, 5:13026, 5:13038
––Continuity, 5:13040
––Distribution, 5:13037
––Financial records, 5:13042
––Maintenance, 5:13035
––Per capita costs, ceiling, 5:13036
–Inspection of records, 5:13041
–Integration with existing development programs, 5:13033
–Joint programs, 5:13027
–Maintenance of effort, 5:13035
–Mathematics and reading professional development program, 5:11980-5:11985.6
–Needs assessment, 5:13038
–Objectives, statement of, 5:13038
–Per capita costs, ceiling, 5:13036
–Personnel
––Qualifications, 5:13030
––Rotation, 5:13031, 5:13038
–Purpose, 5:13027
TEACHERS–*continued*
Professional development and program improvement programs–*continued*
–Reading professional development program, 5:11980-5:11985.6
–Records and reports
––Evaluation reports, 5:13039
––Financial records, 5:13042
––Inspection of records, 5:13041
–Satellite schools
––Definition, 5:13025
––Selection, 5:13029
–Selection of center, 5:13028
–Selection of satellite schools, 5:13029
–Steering committee, 5:13032
–Summer school component, 5:13034
–Waiver of requirements, 5:13044
Reading instruction
–Examination, 5:11215
–Fee for examination and certification, 5:11215
–Nomination and selection, 5:11210-5:11215
–Panel observation, 5:11212-5:11214
–Petition for nomination, 5:11211
–Professional development program, 5:11980-5:11985.6
–Scholarships, 5:5710-5:5712
Records and reports
–Attendance reports, 5:401
–Community classrooms, 5:10084
–Cooperative vocational education, 5:10105
–Staff development day attendance, 5:6001
Regional occupational centers and programs, qualifications, 5:11504
Resignation, reports, 5:80303
Retired persons, employment; physical examination, 5:5503
–Notice of examination, 5:5502
Retirement system
See TEACHERS' RETIREMENT SYSTEM
Salaries, audits of, 5:19829.5
Scholarships and loans
–Assumption program of loans for education (APLE), 5:30701-5:30709
––Applications, 5:30702
––Approval of assumptions, 5:30701
––Definition of school year, 5:30704
––Federal supplemental loans, 5:30701
––Invalid warrants, cancellation, 5:30703
––Mathematics or science teachers, 5:30707
––Out-of-state teacher recruitment, 5:30708, 5:30709
––Payment of assumptions, 5:30706
––Perkins loan cancellation, and, 5:30705
––School year, definition, 5:30704
––Unused warrants, reallocation, 5:30703
–Bilingual education teacher corps program, 5:11600-5:11604
–Handicapped pupils, teachers of, 5:5720-5:5722
––Applicability of regulations, 5:5720
––Approved training, 5:5721
––Repayment of loans, 5:5722
–New careers in education interns, 5:13002
–Reading teachers, 5:5710-5:5712, 5:11202
––Application for grant, 5:5710
––Repayment of unused funds, 5:5712
––Review of application for grant, 5:5711
––Use of funds, 5:5712
School age community child care services program, 5:18206
Sick leave
–Retirement service credit
See TEACHERS' RETIREMENT SYSTEM
–Transfer of accumulated leave, 5:5601
Special education
See SPECIAL EDUCATION, subheading: Staff
Staff development
–Education technology
––Definitions, 5:11970
–Reform program
––Application for funds, 5:6002
––Attendance records, 5:6001
––Definitions, 5:6000
State schools for the deaf, blind, or neurologically handicapped
See STATE SCHOOLS FOR DEAF OR BLIND, AND DIAGNOSTIC CENTERS
TEACHERS–*continued*
Tax sheltered annuity program
See TEACHERS' RETIREMENT SYSTEM
Termination
–"Good cause," 5:80333
–Reports, 5:80303
–Voluntary, 5:80333
Training programs
–Admissions
––Basic credential program, 5:41100-5:41103
–––Continuation, 5:41101
––Chancellor, powers and duties, 5:41103
––Physical examinations, 5:41200
––Recommendation for teaching credential, 5:41102
–Approval of programs, 5:80632-5:80690.1
––Pupil personnel services, 5:80632-5:80632.5
––Resource specialist certificate of competence, 5:80070.5
–Basic credential program
––Admissions, 5:41100
––Continuation, 5:41101
–Bilingual education, teacher corps program, 5:11600-5:11604
See also Bilingual education, teacher corps program, this heading
–California State Universities, authority to establish programs, 5:40100.2
–Consolidated categorical aid programs, 5:3933
–Course and program equivalencies, 5:80094
–Definitions
––Faculty participation in public schools, 5:80674.1
––Integrated teacher preparation program, 5:40520
–Designated subjects credential personalized preparation programs, 5:80040-5:80042.5
–Faculty participation in public schools, 5:80674.1-5:80674.6
––Definitions, 5:80674.1
––Implementation plan, 5:80674.4
––Reports, 5:80674.5
––Time requirements, 5:80674.2
––Types of participation, 5:80674.3
––Verification, 5:80674.6
–Fifth year of study, 5:80424
–Health education course work, 5:80421
–In-service training, funding, 5:9505
–Integrated teacher preparation program, 5:40520-5:40523
––Campus requirements, 5:40522
––Community college articulation, 5:40523
––Definition, 5:40520
––Total unit requirements, 5:40521
–Laboratory schools, 5:41703
–New careers in education programs, 5:13000-5:13017
–Nonresident classification exception, 5:41906
–Pupil personnel services, 5:80632-5:80632.5
––Child welfare and attendance specialization, 5:80632.5
––Counseling specialization, 5:80632.2
––General requirements, 5:80632
––Generic program for all specializations, 5:80632.1
––Psychology specialization, 5:80632.4
––Social work specialization, 5:80632.3
–Recommendation for teaching credential, 5:40101, 5:40410
––Eligibility, 5:41102
–Resource centers, 5:11710-5:11715
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Resource centers
–Resource specialist certificate of competence, approval of program, 5:80070.5
–Special education, 5:80032.2
––Autistic specialization, 5:80641
––Seriously emotionally disturbed, professional preparation, 5:80640
–Teacher centers, simultaneous funding with resource centers, 5:11715
–U.S. Constitution, in, 5:80415
Unauthorized assignment, 5:80339-5:80339.6
Vacancy, complaints, 5:4682
Work experience programs, qualifications, 5:10075

TEACHERS' RETIREMENT SYSTEM, 5:20500-5:24013
Allowances
-Information required from claimant, 5:21023
-Parent claiming, 5:21021
Appeals, 5:20520
Audits, schools
-Notice of right to elect memberships, 5:19833.6
-Pension plans, alternatives, 5:19833
Board
-Conflict of interest disclosures, 5:22000
-Delegation of authority to chief executive officer, 5:20520
--Unused sick leave, 5:23005
-Election of members, 5:24000-5:24009
-Meetings, 5:20510
--Definitions, 5:20500
-Quorum, 5:20513
-Secretary, 5:20514
Chief executive officer
-Conflict of interest disclosures, 5:22000
-Powers and duties, 5:20520
--Unused sick leave, 5:23005
Conflict of interest code, 5:22000
Contracts, 5:20520
Credits
-Calculation, 5:20521
-Time requirements, 5:20521
Definitions, 5:20500
-Investment relationships and campaign contributions for board members, 5:24013
Election of board members, 5:24000-5:24009
-Ballot counting, 5:24005
-Ballot distribution, 5:24004
-Candidate statements, 5:24003
-Conduct of, 5:24000
-Investment relationships and campaign contributions, 5:24010-5:24013
-Nomination of candidates, 5:24002
-Notice, 5:24001
--Results, 5:24006
--Vacant seats, 5:24009
-Protests, 5:24008
-Recount, 5:24007
Employees, conflict of interest disclosures, 5:22000
Investment relationships and campaign contributions for board members, 5:24010-5:24013
Notice
-Appeals, 5:20520
-Election of board members, 5:24001
--Results, 5:24006
--Vacant seats, 5:24009
Parent claiming benefit, 5:21021
Sick leave credit, unused, 5:23005

TECHNOLOGY EDUCATION GRANT PROGRAMS, 5:90000-5:90009
Multimedia computer stations, federal grants, 5:11971-5:11979.5

TELECOURSES
Community colleges
See COMMUNITY COLLEGES, subheading: Independent study programs

TELEVISION, EDUCATIONAL
School classroom instruction
See SCHOOLS AND SCHOOL DISTRICTS, subheading: Instructional television
Telecourses
See COMMUNITY COLLEGES, subheading: Independent study programs
Universities and colleges, state, 5:41705

TENURE
State university faculty
See UNIVERSITIES AND COLLEGES, STATE

TERMINATION OF EMPLOYMENT
State schools for deaf or blind, and diagnostic centers
-Termination of supervisor or manager, 5:17643-5:17650
State university and college employees
See also UNIVERSITIES AND COLLEGES, STATE

TERMINATION OF EMPLOYMENT-*continued*
State university and college employees-*continued*
-With disabilities, 5:43403-5:43410
Teachers, reports of dismissals, 5:80303

TESTING
See also PUPILS
Cal grants, test scores in lieu of grade point averages, 5:30023
GED tests, 5:11530-5:11532
High school equivalency (GED), 5:11530-5:11532
Psychological tests of students, 5:4931

TEXTBOOKS, 5:9511-5:9530
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Instructional materials

THEFT
School programs to discourage, 5:17370
School reporting requirements, 5:700-5:705
Student of state college or university, 5:41301

TITLE TO PROPERTY
Library construction and renovation grants
-Marketable record title, 5:20424
--Bond Act of 2000 funds, 5:20438

TOILET FACILITIES
Schools, 5:631

TRAFFIC CONTROL
School safety patrols, 5:570-5:576
See also SCHOOLS AND SCHOOL DISTRICTS, subheading: Safety patrols

TRESPASS
School reporting requirements, 5:700-5:705

TRUCK DRIVING SCHOOLS
Application information, 5:73480

TUBERCULOSIS
Community college courses in hospitals, 5:55305
County hospitals, adult education programs, 5:10560

TUITION
Community colleges
See COMMUNITY COLLEGES
Financial aid
See STUDENT AID
Private universities and colleges
See POSTSECONDARY SCHOOLS, PRIVATE
State universities and colleges, 5:41800-5:41916
See also UNIVERSITIES AND COLLEGES, STATE

U

UNIVERSITIES AND COLLEGES
Community colleges
See COMMUNITY COLLEGES
Orientation, information on sexual violence, 5:41550
Private
See POSTSECONDARY SCHOOLS, PRIVATE
Regional library networks, affiliation, 5:20313
Sexual violence information provided in student orientation, 5:41550
State
See UNIVERSITIES AND COLLEGES, STATE

UNIVERSITIES AND COLLEGES, PRIVATE
See POSTSECONDARY SCHOOLS, PRIVATE

UNIVERSITIES AND COLLEGES, STATE, 5:40000-5:43884
Admissions, 5:40601-5:41250
-Adult students
--First-time freshmen, 5:40756
---Fee waivers, 5:40760
--Undergraduate transfer students, 5:40807
-Bachelor of fine arts program, 5:40905
-Bachelor of music program, 5:40905
-Capacity, 5:40650
-Definitions, 5:40601

UNIVERSITIES AND COLLEGES, STATE-*continued*
Admissions-*continued*
-Diversity, 5:40650, 5:40651
-Early admissions, 5:40759
-Employee training and career development programs, 5:41110
-English language examination
--First-time freshmen, 5:40752.1
--Graduate students, 5:41040
--Post-baccalaureate students, 5:41040
--Undergraduate transfer students, 5:40802.1
-Entrance examination
--First-time freshmen, 5:40752
--Undergraduate transfer students, 5:40802
-Exceptions, 5:40900, 5:40901
-Experiments, 5:41250
-Fees, 5:41800.1
-First-time freshmen, 5:40751-5:40760
--Adult students, 5:40756
---Fee waivers, 5:40760
--Early admissions, 5:40759
--English language examination, 5:40752.1
--Entrance examination, 5:40752
--Exceptions, 5:40900, 5:40901
--Foreign high school graduates, 5:40755
--High school graduates, 5:40753
---Foreign schools, 5:40755
--Less than four year program, 5:40757
--Nonresidents, 5:40754
--Undergraduate transfer students, 5:40804
--Veterans, 5:40756.1
-Graduate students, 5:41010-5:41050
--Campus requirements, 5:41050
--Conditionally classified, 5:41011
--English language examination, 5:41040
--State university or college, transfer from, 5:41030
-High school students, first-time freshmen, 5:40758, 5:40759
-Less than four year program, first-time freshmen, 5:40757
-Matriculating students, 5:40700
-Nonresidents
--First-time freshmen, 5:40754
---Foreign high school graduates, 5:40755
--Undergraduate transfer students, 5:40803.1
-Physical examinations, 5:41200
--Exemptions, 5:41200.1
-Post-baccalaureate students, 5:41000-5:41002
--Campus requirements, 5:41050
--Classified, 5:41002
--English language examination, 5:41040
--Special action, 5:41001
--Unclassified, 5:41000
-Priorities, 5:40651
-Quotas
--Administration, 5:40651
--Establishment, 5:40650
-Student services, 5:41701
-Summer early entrants, 5:40701
-Supplemental information, 5:41201
-Undergraduate transfer students, 5:40801-5:40808, 5:40804-5:40805
--Adult students, 5:40807
--English language examination, 5:40802.1
--Entrance examinations, 5:40802
--Exceptions, 5:40900, 5:40901
--Nonresidents, 5:40803.1
--Other applicants, 5:40806
--Residents, 5:40803
--State college or university, from, 5:40808
--Veterans, 5:40805.1
-Veterans
--First-time freshmen, 5:40756.1
--Undergraduate transfer students, 5:40805.1
Adult students, admissions
-First-time freshmen, 5:40756
--Fee waivers, 5:40760
-Undergraduate transfer students, 5:40807
Agriculture
-Polytechnic state universities, 5:40051
-Two-year programs, 5:40050
Alumni associations, 5:42397-5:42397.11
See also ALUMNI ASSOCIATIONS; Auxiliary organizations, this heading

UNIVERSITIES AND COLLEGES, STATE–*continued*
American history and government, graduation requirements, 5:40404
Appeals from residence determination, 5:41908
Architecture, bachelor degree programs, 5:40505
Athletics
–Auxiliary organizations
See Auxiliary organizations, this heading
–Directors and coaches, tenure, 5:43572
–Intercollegiate, discrimination prohibited, 5:41505
Audio-visual facilities, 5:41704
Auxiliary organizations, 5:42400-5:42667
–Agreements, 5:42501, 5:42502
–Approval of programs, 5:42402
–Articles of incorporation or constitution, 5:42600
–Audit, 5:42408
–Board of directors, 5:42602
–Bond of employees and officers, 5:42403
–Definition, 5:42400
––Systemwide organizations, 5:42665
–Directors, board of, 5:42602
–Employees, 5:42405
–Establishment, 5:42407
–Financial assistance funds, 5:42500
–Funds, 5:42403
––Student body organizations, 5:42659
–Gifts and donations to, 5:42403, 5:42500
–Good standing, list of, 5:42406
–Lease of campus facilities, 5:42601
–Organization, 5:42600
–Policy declaration, 5:42401
–Powers and duties, 5:42500
–President, powers and duties, 5:42402
–Purpose, 5:42401, 5:42500
–Records and reports, 5:42404
–Systemwide organizations, 5:42665-5:42667
––Compliance, 5:42666
––Definition, 5:42665
––For-profit subsidiaries, 5:42667
Bachelor's degrees
–Architecture programs, 5:40505
–Arts, graduation requirements, 5:40500
–Fine arts programs, 5:40506
––Admissions, 5:40905
–Landscape architecture program, 5:40507
–Music programs, 5:40506
––Admissions, 5:40905
–Science, graduation requirements, 5:40501
–Total units, 5:40508
–Vocational education programs, graduation requirements, 5:40503
Bicycles, use on campus, 5:42353.1
Bilingual education teacher corps program, 5:11600-5:11604
Board of trustees
–Admission priorities, implementation, 5:40651
–Employee organizations, meetings with, 5:43702
Book sales on campus, 5:42351
Bookstores operated by auxiliary organizations
See Auxiliary organizations, this heading
Budgets
–Management personnel salaries, 5:42721
–Reduced worktime programs, promotion, 5:43138
––Academic teaching employees, 5:43148
Buildings and grounds
–Animals, restrictions, 5:42353.1
–Definition of campus, 5:40000
–Environmental impact
See Environmental quality, this heading
–Maintenance, 5:41700
–Transportation, forms of, 5:42353.1
–Use, 5:42350-5:42356
––Auxiliary organizations, 5:42601
––Book sales, 5:42351
––Commercial transactions, 5:42350.1
–––Solicitations, 5:42350.6
––Definitions, 5:42350
––Employee organizations, 5:43705
––Handbills and circulars, 5:42352
––Headquarters, 5:42355
––Notice, 5:42354
––Public meetings, performances, and rallies, 5:42353

UNIVERSITIES AND COLLEGES, STATE–*continued*
Buildings and grounds–*continued*
–Use–*continued*
––Smoking, 5:42356
––Solicitations, 5:42350.5, 5:42350.6
Business programs, polytechnic state universities, 5:40051
California State University
–General education-breadth objectives, 5:40405.1
Campus
See Buildings and grounds, this heading
Campus services operated by auxiliary organizations
See Auxiliary organizations, this heading
Chancellor
–Appointment, 5:42702
–Consortium programs, administration, 5:40100.2
–Cooperative curricula, administration, 5:40100.1
–Emergencies, powers and duties, 5:41302
–Employee organizations, meetings with, 5:43700
––Reports, 5:43701
–Employees, powers and duties
––Librarians, ten-month employment election, 5:42775
––Vacations, when taken, 5:42910
–Environmental quality rules, orders and procedures; adoption, 5:43860
–Instructionally related activities fees, establishment, 5:41800.2
–Nonresident tuition and fee procedures, establishment, 5:41912
–Personal information management, implementation, 5:42396.4, 5:42396.5
–Special sessions, establishment, 5:40200
–Teacher training admissions, powers and duties, 5:41103
Collective bargaining
See Employee organizations, this heading
Commercial transactions on campus, 5:42350.1-5:42352
–Auxiliary organizations
See Auxiliary organizations, this heading
Community college credits used toward graduation requirements, 5:40409
Conferences, workshops, and institutes offered by auxiliary organizations
See Auxiliary organizations, this heading
Conflict of interest, 5:43810
Consortium programs, 5:40100.2
Contracts
–Auxiliary organizations, 5:42500, 5:42501, 5:42502
–Disabled veteran business enterprise goals, 5:43870-5:43874
––Approval of contract, 5:43870
––Award of contract, 5:43874
––Bidder qualifications, 5:43872
––Definitions, 5:43871
––Good faith effort, 5:43873
–Minority, women and disabled veteran business enterprise goals
––Bond services, 5:43880-5:43884
–Tax deferred retirement benefits, 5:42851
Cooperative curricula, 5:40100.1
Counseling services, 5:41701
Course of study
See Curriculum, this heading
Credits
–Examination credits to meet graduation requirements, 5:40403, 5:40408
–Extension credits
––Graduation requirements, meeting, 5:40403, 5:40407
–Special sessions, 5:40201
––Graduation requirements, meeting, 5:40407.1
Curriculum, 5:40100-5:40105
–Appropriate campus authority, definition, 5:40105
–Bachelor of architecture programs, 5:40505
–Bachelor of arts programs, 5:40500
–Bachelor of fine arts programs, 5:40506
–Bachelor of landscape architecture program, 5:40507
–Bachelor of music programs, 5:40506

UNIVERSITIES AND COLLEGES, STATE–*continued*
Curriculum–*continued*
–Bachelor of science programs, 5:40501
–Bachelor of vocational education programs, 5:40503
–Consortium programs, 5:40100.2
–Cooperative curricula, 5:40100.1
–Definitions, 5:40103-5:40105
–Establishment, 5:40100, 5:40102
–Grade points, definition, 5:40104
–Grading designations, 5:40104.1
–Maintenance, 5:41700
–Teacher education programs, 5:40100.3
–Teacher training, 5:40101
–Unit, definition, 5:40103
Definitions
–Admissions, 5:40601
–Appropriate campus authority, 5:40105
–Auxiliary organization, 5:42400, 5:42665
–Buildings and grounds, use, 5:42350
–Campus, 5:40000
–Disabled veteran business enterprise goals, 5:43871
–Employee organizations, 5:43703.1
–Employees, 5:42700
––Bona fide association, 5:43727
––Catastrophic leave donation program, 5:42931
––Librarian, ten-month employment election, 5:42776
––Probationary employees, 5:43300
––Salary, 5:42803
–Environmental quality, 5:43851
–Grade points, 5:40104
–Housing facilities, 5:42000
–Minority, women and disabled veteran business enterprise goals, 5:43881
–Nonresidents, continuous attendance, 5:41902
–Records and reports, privacy rights, 5:42396.1
–Student disciplinary actions, 5:41301
–Transfers, lower-division patterns by major, 5:40530
–Unit, 5:40103
Destruction of property by student, 5:41301
Development programs offered by auxiliary organizations
See Auxiliary organizations, this heading
Disciplinary actions
–Employees, 5:43520-5:43526
–Students, 5:41301-5:41302
Discontinued courses, substitutions, 5:40401
Discrimination by student organizations, 5:41500-5:41505
Doctoral programs, 5:40050, 5:40050.1
–Curriculum, 5:40100
Dormitories
See Housing facilities, this heading
Early admissions, 5:40759
Educational programs, 5:40050-5:40060
Emergencies, 5:41302
Employee organizations, 5:43700-5:43726
–Board of trustees meeting with, 5:43702
–Chancellor meeting with, 5:43700
––Reports, 5:43701
–Communications with employees, 5:43708
–Definitions, 5:43703.1
–Display and distribution of organizational materials, 5:43706, 5:43707
–Exclusive representation proposals, 5:43725, 5:43726
–Meetings with, 5:43700-5:43702
–Memorandum of understanding, applicability, 5:43825
–Notice
––Organizational activities, 5:43704
––Violations, 5:43711
–Policy regarding, 5:43703
––Noncompliance, 5:43711
–Representatives, 5:43704
–Solicitations by, 5:43708
–Use of campus facilities, 5:43705
––Equipment, 5:43709
––Mail services, 5:43707
–Verification, 5:43710

UNIVERSITIES AND COLLEGES, STATE–*continued*
Employee organizations–*continued*
–Violations, 5:43711
Employees, 5:42700-5:43825
–Absence, noncompensable, 5:42804
–Academic-administrative employees
––Definition, 5:42700
–Academic employees
––Appointment, 5:42702
–––Terms, 5:42703
––Assignment of teaching areas, 5:42704
––Definition, 5:42700
––Grievances, 5:43750
––Reappointment, 5:43561, 5:43566
–––Notice to decline, 5:43569
––Termination, 5:43561, 5:43566
–––Notice by employee, 5:43569
––Terms of appointment, 5:42703
–Academic year employees
––Absence, noncompensable, 5:42804
––Appointment, 5:42703
––Salary, 5:42803
––Settlement payments, 5:42805
––Vacations, 5:42901
–Administrative employees
––Appointment, 5:42703
––Definition, 5:42700
––Grievances, 5:43775
––Probationary employees, termination, 5:43302
––Reassignment
–––Hearings, 5:43501
–––Notice, 5:43500
–Application fraud, 5:43523
–Appointment, 5:42702
––Consultative procedures, 5:42701
––Definition, 5:42700
––Effective date, 5:42802
––Librarians; ten-month employment election, effective date, 5:42777
––Quarter-system year-round operations, 5:42751
––Rehiring, 5:43551
––Reinstatement rights, 5:43550
––Terms, 5:42703
–Assignment, 5:42713
––Management personnel, 5:42720, 5:42725
––Quarter-system year-round operations, 5:42752
–––Extra quarter, 5:42754
–––Teaching assignment, 5:42753, 5:42754
––Teaching areas, 5:42704
–Athletic directors and coaches, tenure, 5:43572
–Auxiliary organizations, 5:42405
–Bona fide associations, 5:43727-5:43729
––Definition, 5:43727
––Registration, 5:43728
–––Revocation, 5:43729
–Catastrophic leave donation program, 5:42930-5:42933
––Definition, 5:42931
––Donation procedures, 5:42933
––Eligibility to participate, 5:42932
––Purpose, 5:42930
–Certification of hours worked, 5:42806
–Chancellor, powers and duties
––Librarians, ten-month employment election, 5:42775
–Classification of employees
––Definition, 5:42700
––Salary plan, 5:42801
––Vacations, 5:42900
–Collective bargaining
See generally Employee organizations, this heading
–Conflict of interest disclosures, 5:43810
–Consultative procedures, 5:42701
–Definitions, 5:42700
––Bona fide association, 5:43727
––Catastrophic leave donation program, 5:42931
––Librarian, ten-month employment election, 5:42776
––Probationary employees, 5:43300
––Salary, 5:42803
–Demotions
––Disabled employees, 5:43403-5:43410

UNIVERSITIES AND COLLEGES, STATE–*continued*
Employees–*continued*
–Demotions–*continued*
––Grounds, 5:43521
–Disability leave, 5:43420
–Disability retirement, 5:43400-5:43420
––Application for, 5:43401, 5:43402
––Eligibility, 5:43400
––Reinstatement following, 5:43408
–Disabled employees
––Dismissal, demotion, or reassignment, 5:43403-5:43410
–––Medical examination, 5:43404, 5:43405
–––Reinstatement rights, 5:43407
––Insurance, 5:43420
––Leaves, 5:43420
–Disciplinary actions, 5:43409, 5:43410, 5:43520-5:43526
––Direct resolution, 5:43520
––Disruption of campus activities, 5:43526
––Employment application fraud, 5:43523
––Grounds, 5:43521
––Procedures, 5:43524, 5:43525
––Temporary suspension, 5:43522
–Disruption of campus activities, 5:43526
–Early retirement, 5:43170-5:43174
––Administration, 5:43174
––Application for, 5:43172
––Approval, 5:43173
––Benefits, 5:43173
––Eligibility, 5:43171
––Purpose, 5:43170
––Salary, 5:43173
–Eleven-month employees, salary, 5:42803
–Evaluation
––Management personnel, 5:42722
––Performance appraisal, 5:43350, 5:43351
–Executive employees
––Appointment, 5:42703
––Definition, 5:42700
–403(b) plans, 5:42850-5:42854
–Fraudulent application for employment, 5:43523
–Grievances
––Academic employees, 5:43750
––Administrative employees, 5:43775
––Management personnel, 5:42728
––Nonacademic employees, 5:43775
––Reduced worktime employees, 5:43135
–––Academic teaching employees, 5:43145
––Tenure of academic employees, 5:43567
–Health coverage
––Preretirement reduction in workload, 5:43154
––Reduced worktime employees, 5:43132
–––Academic teaching employees, 5:43142
–Hearings on reassignment of administrative employees, 5:43501
–Holidays, 5:42920
––Management personnel, 5:42726
–Hours of work, 5:42713
––Certification, 5:42806
–Industrial disability leave, 5:43420
–Leaves, 5:42900-5:43102
––Catastrophic leave donation program, 5:42930-5:42933
––Disability leave, 5:43420
––Early retirement participants, 5:43173
––Holidays, 5:42920
––Military leaves, 5:43095
––Unpaid leaves, 5:43100
–––Academic-administrative employees, 5:43595
–––Salary increase following, 5:43102
–––Tenure of academic employees, effect on, 5:43563
–Librarians, ten-month employment election, 5:42770-5:42777
––Appointment, effective date, 5:42777
––Chancellor, powers and duties, 5:42775
––Definition of librarian, 5:42776
––Notice of, 5:42772
––Period of service, determination, 5:42774
––Policy, 5:42770
––Right to, 5:42771
––Salary, 5:42773

UNIVERSITIES AND COLLEGES, STATE–*continued*
Employees–*continued*
–Maintenance of staff, 5:41700
–Management personnel, 5:42720-5:42728
––Appointment, 5:42703
––Assignment to position, 5:42720, 5:42725
––Complaints, 5:42728
––Definition, 5:42700
––Employment status, 5:42723
––Evaluation, 5:42722
––Grade levels, 5:42720
––Grievances, 5:42728
––Holidays, 5:42726
––Notice of termination, 5:42723
––Permanent status, 5:42723
––Professional development, 5:42727
––Promotion, 5:42724
––Reassignment, 5:42725
––Returning to former position, rights, 5:42723
––Salary, 5:42721
––Sick leave, 5:42726
––Termination, 5:42723
––Vacations, 5:42726
–Memorandum of understanding, applicability, 5:43825
–Military leaves, 5:43095
–Nonacademic employees
––Appointment, 5:42703
––Definition, 5:42700
––Grievances, 5:43775
––Probationary employees, termination, 5:43301
–Nonindustrial disability insurance, 5:43420
–Notice
––Librarians, ten-month employment election, 5:42772
––Reassignment of administrative employees, 5:43500
––Tenure, reappointment, or termination of academic employees, 5:43561, 5:43566
––Tenure of administrative employees, 5:43585
––Termination
–––Management personnel, 5:42723
–––Probationary employees, 5:43301
–Organizations
See Employee organizations, this heading
–Performance appraisals, 5:43350, 5:43351
–Pilot modified college year program, 5:42715
–Preretirement reduction in workload, 5:43150-5:43155
––Administration, 5:43155
––Application for, 5:43152
––Approval, 5:43153
––Benefits, 5:43154
––Eligibility, 5:43151
––Maximum period, 5:43153
––Purpose, 5:43150
––Salary, 5:43154
–Probationary employees
––Definition, 5:42700, 5:43300
––Termination, 5:43300-5:43302
–––Administrative employees, 5:43302
–––Nonacademic employees, 5:43301
–Professional development, management personnel, 5:42727
–Promotion
––Consultative procedures, 5:42701
––Management personnel, 5:42724
––Tenure of academic employees, effect on, 5:43562
–Qualifications, 5:42711, 5:42712
–Quarter-system year-round operations, 5:42750-5:42760
––Appointments, 5:42751
––Assignment, 5:42752
–––Extra quarter, 5:42754
–––Teaching assignment, 5:42753, 5:42754
––Phase-out, 5:42760
––Policy, 5:42750
–Reappointment
––Academic employees, 5:43561, 5:43566
–––Notice to decline, 5:43569
––Administrative employees, 5:43586
––Consultative procedures, 5:42701

UNIVERSITIES AND COLLEGES, STATE–*continued*
Employees–*continued*
–Reappointment–*continued*
––Lecturers, 5:43571
–Reassignment
––Administrative employees, 5:43500, 5:43501
––Disabled employees, 5:43403-5:43410
––Management personnel, 5:42725
––Vacation credit, effect on, 5:42907
–Records and reports
––Teaching service areas, 5:42704
––Vacations, 5:42911
–Reduced worktime programs, 5:43130-5:43149
––Academic teaching employees, 5:43140-5:43149
––Administration, 5:43139
–––Academic teaching employees, 5:43149
––Application for, 5:43133
–––Academic teaching employees, 5:43143
––Approval, 5:43134
–––Academic teaching employees, 5:43144
––Benefits, 5:43132
–––Academic teaching employees, 5:43142
––Budget reductions, effect, 5:43138
–––Academic teaching employees, 5:43148
––Eligibility, 5:43131
–––Academic teaching employees, 5:43141
––Grievances, 5:43135
–––Academic teaching employees, 5:43145
––Minimum time for participation, 5:43134.1
–––Academic teaching employees, 5:43144.1
––Purpose, 5:43130
–––Academic teaching employees, 5:43140
––Return to full-time work, 5:43137, 5:43137.1
–––Academic teaching employees, 5:43147, 5:43147.1
––Salary, 5:43132
–––Academic teaching employees, 5:43142
––Seniority, effect on, 5:43136
–––Academic teaching employees, 5:43146
––Term of participation, 5:43134.1
–––Academic teaching employees, 5:43144.1
–Regulations, amendment, 5:43800
–Rehiring, 5:43551
–Reinstatement rights, 5:43550
–Research by faculty, 5:40050
–Research or creative activity leaves, 5:43050-5:43053
––Benefits during leave, 5:43053
––Eligibility, 5:43051
––Purpose, 5:43050
––Teaching obligation following leave, 5:43052
––Terms, 5:43051
–Retirement benefits
––Reduced worktime employees, 5:43132
–––Academic teaching employees, 5:43142
––Tax deferred, 5:42850-5:42854
––Travel or study leaves, credit during, 5:43007
–Salary, 5:42800-5:42806
––Absence, noncompensable, 5:42804
––Academic year employees, 5:42803
––Amount, 5:42803
––Appointment effective date, 5:42802
––Calendar, 5:42800
––Classification of employees, 5:42801
––Date of payment, 5:42803
––Definition, 5:42803
––Early retirement, 5:43173
––Eleven-month employees, 5:42803
––403(b) plans, 5:42850-5:42854
––Hours of work, certification, 5:42806
––Librarians, ten-month employment election, 5:42773
––Management personnel, 5:42721
––Pay period, 5:42800
––Preretirement reduction in workload, 5:43154
––Reduced worktime programs, 5:43132
–––Academic teaching employees, 5:43142
––Reduction
–––Absence, noncompensable, 5:42804
–––Tax deferred retirement contributions, 5:42853
––Settlement payments, 5:42805
––Ten-month employees, 5:42803
––Twelve-month employees, 5:42803

UNIVERSITIES AND COLLEGES, STATE–*continued*
Employees–*continued*
–Salary–*continued*
––Unpaid leaves, salary increase following, 5:43102
––Workdays, determination, 5:42800
–Settlement payments, 5:42805
–Sick leave
––Catastrophic leave donation program, 5:42930-5:42933
––Management personnel, 5:42726
–Stanislaus, pilot modified college year program, 5:42715
–Student employees
––Vacations, 5:42903
–Suspension
––Grounds, 5:43521
––Temporary, 5:43522
–Tax deferred retirement benefits, 5:42850-5:42854
––Administration, 5:42853
––Eligibility to participate, 5:42852
––Implementation, 5:42853
––Purpose, 5:42850
––Qualified plan contracts, 5:42851
–––Definition, 5:42854
–Teaching areas, assignment, 5:42704
–Temporary employees, vacations, 5:42903
–Temporary suspension, 5:43522
–Ten-month employees
––Absence, noncompensable, 5:42804
––Librarians, election, 5:42770-5:42777
––Salary, 5:42803
––Settlement payments, 5:42805
–Tenure of academic-administrative employees, 5:43593-5:43596
––Leave of absence without pay, 5:43595
––Rights, 5:43593
––Termination, 5:43594
––Transfer rights, 5:43596
–Tenure of academic employees, 5:43560-5:43572
––Academic-administrative or chancellor's office assignment, effect, 5:43565
––Athletic directors and coaches, 5:43572
––Availability, notice, 5:43568
––Consultative procedures, 5:42701
––Criteria, 5:43560
––Grievances, 5:43567
––Late reporting for duties, 5:43564
––Leave of absence without pay, effect, 5:43563
––Lecturers, 5:43571
––Nonaccruing assignments, 5:43562
––Notice of availability, 5:43568
––Notice of tenure, 5:43561, 5:43566
––Probationary period, 5:43560, 5:43562, 5:43564
––Promotion, effect, 5:43562
––Recommendation, 5:43561
–Tenure of administrative employees, 5:43580-5:43586
––Acquisition, 5:43582
––Chancellor's office assignment, effect, 5:43583, 5:43584
––Notice of rejection, 5:43585
––Probationary period, 5:43580
––Transfer, effect, 5:43581
–Tenure of nonacademic employees, 5:43588.1-5:43588.3
––Acquisition, 5:43588.1
––Probationary period, 5:43588.3
––Transfer rights, 5:43588.2
–Termination
––Academic-administrative employees, 5:43594
––Academic employees, 5:43561, 5:43566
–––Notice by employee, 5:43569
––Disabled employees, 5:43403-5:43410
––Grounds for dismissal, 5:43521
––Management personnel, 5:42723
––Probationary employees, 5:43300-5:43302
––Vacation days, payment for, 5:42912
–Term of appointment, 5:42703
–Travel or study leaves, 5:43000-5:43008
––Application for, 5:43004
––Bond requirement, 5:43005
––Continuity of service during, 5:43007

UNIVERSITIES AND COLLEGES, STATE–*continued*
Employees–*continued*
–Travel or study leaves–*continued*
––Criteria for granting, 5:43000, 5:43003
––Eligibility, 5:43000, 5:43001
––Payment of compensation, 5:43005
––Purpose, 5:43000
––Reinstatement following leave, 5:43006
––Replacements for employees on leave, 5:43008
––Retirement credit, 5:43007
––Second leaves, 5:43005
––Terms, 5:43000
–Tuition and fee exceptions, 5:41910
–Twelve-month employees, salary, 5:42803
–Unpaid leaves, 5:43100
––Academic-administrative employees, 5:43595
––Salary increase following, 5:43102
––Tenure of academic employees, effect on, 5:43563
–Vacations, 5:42900-5:42912
––Academic year employees, 5:42901
––Accumulation and carry-over of credit, 5:42909
––Accumulation of credit
–––Change in appointment or assignment, effect, 5:42907
–––Payment on separation, 5:42912
––Catastrophic leave donation program, 5:42930-5:42933
––Chancellor, powers and duties, 5:42910
––Classification of employees, 5:42900
––Computation of state service, 5:42905
––Full-time employees, 5:42902, 5:42904, 5:42905
––Hourly employees, 5:42902, 5:42904, 5:42905
––Management personnel, 5:42726
––Multiple positions, 5:42906
––Part-time employees, 5:42902, 5:42904, 5:42905
––Payment on separation, 5:42912
––President, powers and duties, 5:42910
––Records and reports, 5:42911
––Student employees, 5:42903
––Temporary employees, 5:42903
––Transfer of credit, 5:42908
––Use, 5:42910
––When taken, determination, 5:42910
Employee training and career development programs
–Admissions, 5:41110
–Fee waiver or reduction, 5:41804
Engineering programs, polytechnic state universities, 5:40051
English language examinations
See Examinations, this heading
Enrollment
See Admissions, this heading
Entry-level learning skills, 5:40402.1
Environmental quality, 5:43850-5:43861
–Adoption of rules, orders and procedures, 5:43860
–Applicability of guidelines, 5:43853
–Chancellor, powers and duties, 5:43860
–Definitions, 5:43851
–Documents, preparation, 5:43861
–Guidelines, 5:43853, 5:43854
–Purpose of regulations, 5:43852
–Scope of regulations, 5:43850
–Statewide guidelines, 5:43854
Examinations
–American history and government, comprehensive, 5:40404
–English language examination
––First-time freshmen, 5:40752.1
––Graduate students, 5:41040
––Post-baccalaureate students, 5:41040
––Undergraduate transfer students, 5:40802.1
–Entrance examinations
––First-time freshmen, 5:40752
––Undergraduate transfer students, 5:40802
–Graduation requirements, meeting, 5:40403, 5:40408
–Master's degrees, comprehensives, 5:40510
–Physical examinations for admissions, 5:41200
––Exemptions, 5:41200.1
Expulsion, suspension, or probation of students, 5:41301

UNIVERSITIES AND COLLEGES, STATE–*continued*
Expulsion, suspension, or probation of students–*continued*
–Interim suspension, 5:41302
–Tuition and fees, disposition, 5:41302
Extension courses
–Establishment, 5:40300
–Graduation requirements, meeting, 5:40403, 5:40407
Facilities
See Buildings and grounds, this heading
Faculty
See Employees, this heading
Fees
See Tuition and fees, this heading
Financial assistance
See STUDENT AID
–Auxiliary organizations
See Auxiliary organizations, this heading
Fine arts, bachelor degree program, 5:40506
–Admissions, 5:40905
Fire fighter dependents, nonresident classification exception, 5:41906
First-time freshmen, admission
See Admissions, this heading
Food services
–Auxiliary organizations
See Auxiliary organizations, this heading
–Housing facilities, 5:42100-5:42103
Foreign language, graduation requirement, 5:40406
Foreign students
–English language examination
––First-time freshmen, 5:40752.1
––Graduate students, 5:41040
––Post-baccalaureate students, 5:41040
––Undergraduate transfer students, 5:40802.1
–Residence determination, 5:41915
Fraternities
See Student organizations, this heading
Fraudulent employment application, 5:43523
Fundraising by auxiliary organizations
See Auxiliary organizations, this heading
Funds
–Auxiliary organizations, 5:42403, 5:42500
–Dormitory revenue fund, 5:42103
–Gifts, donations, and bequests, 5:42300
––Auxiliary organizations, 5:42403, 5:42500
––Notice of acceptance and declaration of benefit, 5:42301
–Lost property, proceeds of sale, 5:42376
–Special projects fund, 5:42390
–Student organizations, 5:42403, 5:42659
–Tuition and fees
See Tuition and fees, this heading
General counsel, appointment, 5:42703
General education-breadth objectives, 5:40405
–California state university, 5:40405.1
–Intersegmental transfer curriculum, 5:40405.2
–Procedures to meet, 5:40405.4
–Reciprocity with University of California campuses, 5:40405.3
–Specific courses and units, 5:40405.1
Gifts, donations, and bequests to, 5:42300
–Auxiliary organizations, 5:42403, 5:42500
–Notice of acceptance and declaration of benefit, 5:42301
Grade point
–Academic probation and disqualification, 5:41300, 5:41300.1
–Graduation requirements, 5:40402
–Master's programs, 5:40510
Grading designations, 5:40104.1
Graduate programs
–Academic probation and disqualification, 5:41300, 5:41300.1
–Admissions, 5:41010-5:41050
–Doctor of education degree, 5:40050.1, 5:40511-5:40512
––Admission to program, 5:41020
Graduation requirements, 5:40400-5:40510
–American history and government, 5:40404
–Bachelor of architecture, 5:40505
–Bachelor of arts, 5:40500

UNIVERSITIES AND COLLEGES, STATE–*continued*
Graduation requirements–*continued*
–Bachelor of fine arts, 5:40506
–Bachelor of landscape architecture, 5:40507
–Bachelor of music, 5:40506
–Bachelor of science, 5:40501
–Bachelor of vocational education, 5:40503
–Community college credits, 5:40409
–Credit requirements, 5:40405.1-5:40405.4, 5:40407-5:40410
–Discontinued courses, substitutions, 5:40401
–Election of requirements, 5:40401
–Examination credits, 5:40403, 5:40408
–Exceptions, 5:40405.4
–Extension credits, 5:40403, 5:40407
–Foreign language, 5:40406
–General education-breadth objectives, 5:40405-5:40405.4
–Grade point average, 5:40402
–Implementation of programs, 5:40405.4
–Master's degrees, 5:40510
–Residence requirements, 5:40403
–Scholastic performance, 5:40402
–Special session credits, 5:40407.1
–Transfer of credits, certification, 5:40405.2
Handbills and circulars on campus, 5:42352
–Notice of regulations, 5:42354
Headquarters
–Parking, 5:42203
–Use, 5:42355
Health services, 5:41701
–Auxiliary organizations
See Auxiliary organizations, this heading
Hearings on reassignment of administrative employees, 5:43501
High school students
–Admission as first-time freshmen, 5:40758, 5:40759
Holidays, employees, 5:42920
–Management personnel, 5:42726
Home economics programs, polytechnic state universities, 5:40051
Honor societies
See Student organizations, this heading
Housing facilities, 5:42000-5:42024
–Assignment of priority, 5:42002
––Amendment of regulations, 5:42024
–Auxiliary organizations
See Auxiliary organizations, this heading
–Cancellation of reservation, 5:42015, 5:42017, 5:42019
–Clubs and organizations, fee collection, 5:42023
–Conduct of guests and visitors, 5:42007
–Definitions, 5:42000
–Eviction, 5:42012
–Fees, 5:42004, 5:42008-5:42011
––Advance payment, 5:42008
––Cancellation, vacating, or revocation
–––Proration, 5:42019
–––Refunds, 5:42020
––Clubs and organizations, collection, 5:42023
––Deferment, 5:42010
––Failure to pay, 5:42011
––Food services, 5:42102, 5:42103
––Group arrangements, 5:42003
––Guests, 5:42006
––Installment payments, 5:42009
––Refunds, 5:42020-5:42022
––Security deposits, 5:42014
–Food services, 5:42100-5:42103
––Fees, 5:42102, 5:42103
–Group arrangements, 5:42003
–Guests, 5:42005-5:42007
–License to use, 5:42001
––Revocation, 5:42013, 5:42019
–Nonapproved guests, 5:42006
–Notice
––Cancellation of reservation, 5:42015, 5:42018
––Vacating, 5:42016, 5:42018
–Parking, 5:42202
–Priorities, 5:42002
––Amendment of regulations, 5:42024
–Reservation

UNIVERSITIES AND COLLEGES, STATE–*continued*
Housing facilities–*continued*
–Reservation–*continued*
––Cancellation, 5:42015, 5:42017, 5:42019
––Revocation, 5:42013, 5:42019
–Security deposits, 5:42014
–Vacating, 5:42012, 5:42017, 5:42019
––Notice, 5:42016, 5:42018
–Visitors, 5:42007
Housing services, 5:41701
Instructional television, 5:41705
Intercollegiate activities, discrimination prohibited, 5:41505
Laboratory schools, 5:41703
Landscape architecture, bachelor degree program, 5:40507
Law enforcement dependents, nonresident classification exception, 5:41906
Leaves, employee
See Employees, this heading
Librarians
See Employees, this heading
Libraries, 5:41702
Living groups
See Student organizations, this heading
Lost property
–Care, restitution, sale, or destruction, 5:42375
–Proceeds of sale, 5:42376
Management personnel
See Employees, this heading
Master's programs, graduation requirements, 5:40510
Military service
–Employees, leaves of absence, 5:43095
–Members or dependents, nonresident classification exception, 5:41906
Misrepresentation as student, 5:41301
Mopeds, use on campus, 5:42353.1
Motor vehicles
–Driving on campus, 5:42200
–Parking
See Parking, this heading
Music
–Bachelor of music programs, 5:40506
––Admissions, 5:40905
Newspapers operated by auxiliary organizations
See Auxiliary organizations, this heading
Nonresidents
See also Foreign students, this heading
–Admissions
––First-time freshmen, 5:40754
–––Foreign high school graduates, 5:40755
––Undergraduate transfer students, 5:40803.1
–Tuition and fees
See Tuition and fees, this heading
Notice
–Employee organizations
––Organizational activities, 5:43704
––Violations, 5:43711
–Gifts, donations, and bequests; acceptance, 5:42301
–Housing facilities
––Cancellation of reservation, 5:42015, 5:42018
––Vacating, 5:42016, 5:42018
–Student organization membership fees election, 5:41402
–Use of buildings and grounds, 5:42354
Parking, 5:42200-5:42203
–Assignment, 5:42202
–Designation of areas, 5:42200
––Handicapped persons, 5:42200
–Fees, 5:42201, 5:42202
–Headquarters, 5:42203
–Revenue bond facilities, 5:42202
Physical examinations of students for admissions, 5:41200
–Exemptions, 5:41200.1
Placement services, 5:41701
Post-baccalaureate programs
–Academic probation and disqualification, 5:41300, 5:41300.1
–Admissions, 5:41000-5:41002
Presidents

UNIVERSITIES AND COLLEGES, STATE–*continued*
Presidents–*continued*
–Appointment, 5:42702, 5:42703
–Auxiliary organizations, powers and duties, 5:42402
–Employees, powers and duties
––Vacations, when taken, 5:42910
Public meetings, performances, and rallies on campus, 5:42353
–Notice, 5:42354
Public relations run by auxiliary organizations
See Auxiliary organizations, this heading
Quarter-system year-round operations
–Employees
See Employees, this heading
Radio stations operated by auxiliary organizations
See Auxiliary organizations, this heading
Records and reports
–Admission experiments, 5:41250
–Auxiliary organizations, 5:42404
–Bilingual education teacher corps program, 5:11604
–Definitions of privacy rights, 5:42396.1
–Employees
––Teaching service areas, 5:42704
––Vacations, 5:42911
–Personal information systems, 5:42396-5:42396.5
–Privacy rights, 5:42396-5:42396.5
––Definitions, 5:42396.1
––Exemptions, 5:42396.3
––Implementation, 5:42396.4
––Principles of information management, 5:42396.2
––Review of practices, 5:42396.5
–Student services, 5:41701
–Teaching service areas, 5:42704
Research
–Auxiliary organizations
See Auxiliary organizations, this heading
–Faculty, by, 5:40050
––Research or creative activity leaves, 5:43050-5:43053
–Special projects fund, 5:42390
Residence requirements
See also Nonresidents, this heading
–Graduation requirements, 5:40403
Roller skates, use on campus, 5:42353.1
Scooters, use on campus, 5:42353.1
Skateboards, use on campus, 5:42353.1
Smoking, rules, 5:42356
Solicitations on campus, 5:42350.5
–Employee organizations, 5:43708
Sororities
See Student organizations, this heading
Special projects fund, 5:42390
Special sessions
–Authorization, 5:40200
–Credit allowance, 5:40201
–Graduation requirements, 5:40407.1
–Regular course offerings, attending, 5:40201
Staff
See Employees, this heading
Stanislaus, pilot modified college year program, 5:42715
Student organizations, 5:41401-5:41505
–Commercial transactions
See Auxiliary organizations, this heading
–Discrimination prohibited, 5:41500-5:41505
––Intercollegiate activities, 5:41505
––Membership documents, filing requirements, 5:41503
––National policies, 5:41504
––Recognition withheld, 5:41500, 5:41501, 5:41504
––Statement of nondiscrimination, 5:41503
–Election on membership fees, 5:41401-5:41407
––Ballot, 5:41406
––*Calling, 5:41401*
––Conduct, 5:41404
––Notice, 5:41402
––Polling places, 5:41403
––Referendum, 5:41410
––Resubmission, 5:41411

UNIVERSITIES AND COLLEGES, STATE–*continued*
Student organizations–*continued*
–Election on membership fees–*continued*
––Results, 5:41407
––Supervision, 5:41405
–Funds
––Deposit and investment, 5:42403
––Use, 5:42659
–Governing board, 5:42602
–Housing fees, collection, 5:42023
–Intercollegiate activities, discrimination prohibited, 5:41505
–Membership fees
––Amount, 5:41408
––Collection, 5:41409
–––Time of, 5:41409.5
––Deposit, 5:41409
––Referendum, 5:41410
–Recognition
––Definition, 5:41501
––Withholding, 5:41500, 5:41504
Students, 5:41300-5:41505
–Academic probation and disqualification, 5:41300, 5:41300.1
–Conduct, 5:41301
–Discipline, 5:41301-5:41302
–Disqualification, academic, 5:41300, 5:41300.1
–Expulsion, 5:41301
––Tuition and fees, disposition, 5:41302
–Housing facilities
See Housing facilities, this heading
–Misrepresentation as student, 5:41301
–Organizations
See Student organizations, this heading
–Personnel services, 5:41701
–Probation, 5:41301
––Tuition and fees, disposition, 5:41302
–Probation, academic, 5:41300, 5:41300.1
–Suspension, 5:41301
––Interim, 5:41302
––Tuition and fees, disposition, 5:41302
Surety bonds
–Minority, women and disabled veteran business enterprise goals, 5:43880-5:43884
––Competitive sales, 5:43883
––Definitions, 5:43881
––Negotiated sales, 5:43884
––Purpose, 5:43880
––Target business enterprise lists, 5:43882
Teacher training programs
See TEACHERS
Television, instructional, 5:41705
Television stations
See Auxiliary organizations, this heading
Testing services, 5:41701
Tests
See Examinations, this heading
Transfer of credits
–Graduate admissions, 5:41030
–Intersegmental General Education Transfer Curriculum, 5:40405.2
–Lower-division transfer patterns by major, 5:40530-5:40532
–Undergraduate admissions
See Admissions, this heading
Transportation services
See Auxiliary organizations, this heading
Trustees
See Board of trustees, this heading
Tuition and fees, 5:41800-5:41915
–Application fees, 5:41800.1
––Adult students, waiver, 5:40760
–Employees and dependents, exceptions, 5:41910
–Employee training and career development, waiver or reduction, 5:41804
–Expulsion, suspension, or probation; effect, 5:41302
–Housing facilities
See Housing facilities, this heading
–Installment payments, nonresidents, 5:41901.5
–Instructionally related activities fees, 5:41800.2
–Nonpayment, 5:42380, 5:42381
–Nonresidents, 5:41900-5:41915

UNIVERSITIES AND COLLEGES, STATE–*continued*
Tuition and fees–*continued*
–Nonresidents–*continued*
––Adult aliens, 5:41915
––Aliens, 5:41915
––Amount, 5:41900, 5:41901
––Care and control exception, 5:41906
––Definition of continuous attendance, 5:41902
––Employees and dependents, exceptions, 5:41910
––Exemption for California high school students, 5:41906.5
––Installment payments, 5:41901.5
––Law enforcement dependents exception, 5:41906
––Military service or dependents exception, 5:41906
––Procedures, establishment, 5:41912
––Refunds, 5:41913
––Residence determination, 5:41903-5:41911
–––Appeals, 5:41908
–––Classification procedures, 5:41907-5:41911
–––Criteria, 5:41904
–––Date, 5:41903
–––Employees and dependents, 5:41910
–––Evidence, 5:41905
–––Exceptions of nonresident classification, 5:41906
––Self-support exceptions, 5:41906
––Teacher exceptions, 5:41906
––Time of payment, 5:41901
––Unit load increase or reduction, 5:41914
–Parking fees, 5:42201, 5:42202
–Payment, 5:41800
–Refunds, 5:41802
––First-time students, 5:41802.1
––Nonresidents, 5:41913
–Residence determination, 5:41903-5:41911
–Student organization membership fees
See Student organizations, this heading
–Time of payment, 5:41800
––Application fees, 5:41800.1
––Nonresidents, 5:41901
–Unit load increase or reduction, 5:41800
––Nonresidents, 5:41914
Two-year programs, 5:40050
–Admission of first-time freshmen, 5:40757
Unit, definition, 5:40103
Use of buildings and grounds, 5:42350-5:42356
–Auxiliary organizations, 5:42601
–Employee organizations, 5:43705
Veterans
–Admissions
––First-time freshmen, 5:40756.1
––Undergraduate transfer students, 5:40805.1
–Educational assistance plans, fee refunds, 5:41802
Vice chancellors, appointment, 5:42703
Vocational education, bachelor degree programs, 5:40503

UNIVERSITY OF CALIFORNIA
General education-breadth objectives, reciprocity with, 5:40405.3

V

VANDALISM
School reporting requirements, 5:700-5:705

VETERAN-OWNED BUSINESSES
Community college contracts, 5:59500-5:59508
State universities and colleges, contracts, 5:43870-5:43874
–Professional bond services, 5:43880-5:43884

VETERANS
Community college attendance, residence more than 60 miles away, 5:54200
Private postsecondary schools, refund of tuition and fees, 5:18805
State universities and colleges
–Admissions

VETERANS–*continued*
State universities and colleges–*continued*
–Admissions–*continued*
––First-time freshmen, 5:40756.1
––Undergraduate transfer students, 5:40805.1
–Educational assistance plans, fee refunds, 5:41802

VISION
Pupils, screening for, 5:590-5:596
Special education programs
See SPECIAL EDUCATION

VOCATIONAL EDUCATION
Community colleges
See COMMUNITY COLLEGES
Performance-based accountability (PBA) system, 5:19600-5:19601
Public schools
See SCHOOLS AND SCHOOL DISTRICTS
Universities and colleges, state; bachelor degree programs, 5:40503

VOLUNTEERS
Preschool programs, 5:18135

W

WAGES
School budget review criteria, 5:15449
School finance
–County offices of education, budget review criteria
––Interim reports, 5:15488
–Interim report review criteria, 5:15461
Teachers, unauthorized compensation, 5:80334

WAIVERS
Achievement tests, 5:802
Alumni associations, state universities, 5:42397.10
Community colleges
–Program based funding regulations, 5:58702.5
–Wildfires, students impacted by, 5:58509
English language education for immigrant children, parental exception waivers, 5:11309, 5:11310
High school exit examination, requests for pupils in state special school, 5:1218.6
Special education
–Nonpublic, nonsectarian school and agency services certification requirements, 5:3068
–Resource specialist caseloads, 5:3100
Teaching credentials, 5:80120-5:80125

WEAPONS
Schools
–"Persistently dangerous" schools, 5:11992-5:11994
–Reporting requirements, 5:700-5:705
Student of state college or university possessing, 5:41301

WILDFIRES
Community colleges, waivers for students impacted by, 5:58509

WILLIAMS COMPLAINTS, 5:4680-5:4687

WITNESSES AND TESTIMONY
Education board hearings, public testimony, 5:18463
–Waiver of requirements, 5:18464
Special education hearings, 5:3082
Teacher credential committee, formal review, 5:80313
Teacher credential denial hearings, 5:80515, 5:80516

WOMEN-OWNED BUSINESSES
Community college contracts, 5:59500-5:59508
State universities and colleges, professional bond services, 5:43880-5:43884

WORKERS' COMPENSATION
Cooperative vocational education pupils, 5:10107
Vocational education pupils, 5:10107, 5:11538

WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS ACT, 5:18400-5:18434

Z

ZONING
School building construction, 5:14010